THE

MADRAS REVENUE REGISTER.

No. 10.] MADRAS:—SATURDAY, OCTOBER 15, 1870. [Vol. IV.

THE COLLECTOR OF A DISTRICT. IV.

We propose now to consider the daily life of a Collector as *we* conceive it ought, and as, to a greater or less extent, we believe it must be spent.

Considering the importance and the variety of the Government property committed to his charge, it is not too much to say that he might, and ought to, occupy himself fully every morning in the careful and minute inspection of roads, irrigation and all other works of public utility, or in the examination of police stations, and post, telegraph, and registration offices, &c., with all of which he is intimately concerned, and for the proper and efficient management of which he is directly or indirectly responsible. A ten-mile ride and a careful inspection of one office or public work will account for the early morning very fairly. Then, we will assume that the post comes in about breakfast time with letters from the Board, &c., and a voluminous " *mulki* tappal;" and, allowing him an hour to read, mark (literally) and inwardly digest the English correspondence on every variety of subject as shown in previous numbers, there is next the vernacular tappal, which is to be " opened and read in his presence," and, as far as possible, answered at once by a draft across the face of the arzi or petition. Supposing there to be twenty of the latter and perhaps twice as many arzies (from subordinate officials), a very moderate allowance we believe, an hour is the least that can fairly be allowed him for this part of his daily routine. Then petitions and personal complainants must receive some time, and this may be as good a time as any when parties have had their morning meal and before the regular Court work has begun. " An officer's accessibility to the " people is of the utmost importance both " as regards persons having grievances " to redress (qu: ? to be redressed ?) or " representations to make, *and* as a check on " his own establishment," (Dalyell, 319-1); so that one hour a day devoted to this duty will not be much more than is required on the average, especially since there are generally a few complainants in criminal cases whose complaints must be taken down in writing *then and there* and disposed of somehow. This brings the day to what Mr. Disraeli calls " the sacred hour of two," consecrated in this country to the worship of the great god Tiffin; and we fancy it will scarcely be considered improper to allow even a Collector half an hour to play the host to his long-suffering wife and friends.

Tiffin done, he is set upon at once and closely invested by his moonshies (variously called goomastahs, rayasums, clerks, or even

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jawabnavisses) with yesterday's orders to be read over to him and signed, and the undisposed of portion of to-day's vernacular tappal to be finished if possible. Now, the mere reading of twenty or thirty intricate orders in Tamil, so as to be clearly intelligible to a European, *not* perhaps quite so familiar with the language as is contemplated by the standing orders, is a matter of some time; and, indeed, we entertain considerable doubt as to the fact of their being generally so read at all, and still more as to its being of any use if they are. It is only quite recently that we heard of a Collector gravely sitting with his own drafts before him listening to his mellifluous moonshee reading, as he thought, from the fair copy of the order to be signed, but who was, in fact, looking over his innocent master's shoulder and inventing the order from the draft, whilst the Collector, at the conclusion of the solemn farce, was made to sign something entirely different! Practically there is no safeguard against this very ingenious little plant, unless a Collector reads all his orders himself! so that, on the whole, it is quite as well to make the head of the office really as well as nominally responsible that the order agrees with the draft, and merely have the docket read over. Tahsildars and other subordinates should, of course, be instructed to bring to notice any case where an inconsistency may be observed between the docket and the order, and then exemplary punishment should be inflicted on the writer.

But we are digressing, and must return to our Collector. After disposing of his orders, (or Takeeds, as they are called,) he should devote a little time to looking into the accounts and see how business is going on in his own office. He should then send for his "confidential manager"—the Head Sheristadar—and go thoroughly into the last abstruse *chapamani* case or petition referred by the Board or Government; and we think, if our readers will take the trouble to calculate the time we have accounted for, we shall be found to have brought him up to 5 or even 6 P. M., without a magisterial inquiry at all, and without any very long or intricate letter to the Board. Our readers will wonder, we dare say, when the Magistrate does his work; and so should we if we did not know pretty well that, as a general rule, he avoids the bulk of it altogether. Even the Government, (as we pointed out in beginning this disquisition,) began to wonder about three years ago, and has apparently confined itself to wondering ever since; for there has been no result whatever from the sermon they preached so long ago which formed the text of our discourse, and nothing whatever has been done to remedy the evils they professed to have discovered. On the contrary, it is only the other day, (as Government Orders go,) that they turned round and solemnly rebuked nearly every District Magistrate, (excepting, of course, amongst a few others, the gentleman who, as Acting Chief Secretary, signed the order, and was consequently singled out for warm and generous approval,) for not doing what they had some years before said it was impossible for them to do by reason of the variety of their onerous and more important duties. For his work as a Magistrate trying cases is a small part of what he is expected to do, though, we believe, very few indeed ever think of attempting to do this: in addition to his regular daily work, as indicated above, he may at any time have a single case that will occupy him the greater part of every day for a week, and, as head of an office consisting of all the revenue servants in the district and literally to be numbered by thousands, he is, of course, expected to exercise the most constant supervision over all of them, and satisfy himself especially as to the way in which the upper ranks of his subordinates do their work. To do this he

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must spend a good deal of time in listening to his sub-magistrates trying cases, but must carefully avoid letting his own cases fall into arrears in consequence.

We have mentioned already "the frequent unexpected examinations of treasuries" and the taluk accounts, and the Collector's very considerable demi-official correspondence—half an hour a day would hardly be too much for that item alone; we have still to allude to the monthly, quarterly, annual, special reports on almost every conceivable subject, which must be got through on Sundays and holidays. More of a Collector's time is spent in reporting what he has done, or is going to do, or wants permission or sanction for doing, than in all the actual doing of it. Then, again, he is editor of a weekly paper, and has to look sharp after the voluminous records and see that they are kept in proper order and duly distinguished with "R" and "D" seals; and, with reference to the records, he should be constantly looking into them and reading up all that relate to the earlier history of his district with a view to selecting portions to be printed.

Quite recently, in addition to what used to be considered a fair amount of work for a very average Anglo-Saxon in the tropics, he has been made President of all the Municipal Commissions in his district; and it may easily be imagined what an amount of troublesome delicate work is involved in that position, and what a number of those precious mornings must now be devoted to Municipal meetings and accounts. Then again, the administration of Local Funds has assumed quite a different aspect of late years in consequence of the imposition of a road-cess which has swelled them in many districts to a very considerable sum. But it is perhaps, as defendant in almost all the civil suits in which Government is involved, that his position is most unpleasant and even critical. It is quite impossible for any man, however cool and able, not to be constantly harassed by the feeling that any accidental omission of a technical point may cause the suit to be decided *ex parte* against him, and he *may* find himself cast in damages to any amount and thrown over by Government, even though he may have acted to the best of his judgment. Practically, of course, *bona fides* is always presumed in favour of a Collector; but he is still liable, as the standing order says, "unless it is clear that he has shown *proper* care and attention in the defence of the suit;" and it may easily be imagined what an anxious part of his duty the constantly recurring civil suit always is. It need hardly be added that the "spread of civilization" and law tends constantly to the multiplication of suits against Government, as people become less and less satisfied with the rough and ready justice that suited a more ignorant state of society well enough. Of course, we are very far indeed from advocating any restriction of the natural right of every one to seek a (legal) remedy for any injury he may have incurred, but we think it only right at the same time that Collectors and public servants generally should have both better means of avoiding mistakes, and greater and more efficient assistance in defending themselves when they happen to fall into error. It is not at all desirable that the executive should be paralyzed by the fear of law: occasions may arise any day in India where an officer of very slight experience may be called upon to incur very grave responsibility, and the example of Governor Eyre is only too likely then to crush the energies of any but the boldest and most independent spirits. One remedy which we would propose would be the appointment of an officer who is called (we believe) in Calcutta a "Legal Remembrancer," to whom references could always be made on points

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of difficulty when an ordinary up-country official, thrown very much on his own resources and without access to authorities, is often at a loss.

We have now, we trust, pointed out the very impossible character of a Collector's work as at present constituted, and have endeavoured to show *how* it is so impossible. We will close our remarks for the present by quoting, in illustration of them, the returns showing the Inspection of Registration Offices by Revenue Officers—we have none such unfortunately for Police stations and schools—for the *first* year, (when it might be supposed a little extra vigour would be displayed,) to prove that Collectors generally fail to attempt to do a great part of the duty which is so frequently impressed on their attention. We find, then, from the first report that, out of a total of 626 inspections by Revenue Officers, only four were made by the nineteen Collectors!

CORRESPONDENCE.

MORTGAGEE *v.* VENDEE.

To the Editor of the Madras Revenue Register.

Dear Sir,

In February last I addressed you a letter (which appeared in the *Jurist* for June 1870, page 212) requesting you to solve the difficult question in regard to the rights of a mortgagee and vendee. In that letter I pointed out that a subsequent purchaser takes the property subject to a prior mortgage, and quoted several authorities in support of that matter. Now the question is whether this principle is applicable also to Government revenue sales, *i. e.*, whether the purchaser of land sold by the Collector of Revenue for the arrears of the revenue of that land takes it subject to the prior mortgage under a bond executed by the puttahdar of the said land.

On a careful perusal of the judgment passed by the Madras High Court on the 1st April 1870 in R. A. No. 107 of 1869, (G. Anandu *v.* V. Bapurazu, IV *Madras Revenue Register*, 141, for May 1870); Sections 35, 38, and 42 of Madras Local Act II of 1864; and the Indian Mortgage Law (by Hon. A. J. MacPherson), I am of opinion that the land is sold for arrears of revenue free of all incumbrances; as the Government charge takes precedence of other claims, the revenue sale of the land destroys the mortgagee's lien. If the mortgagee is in possession of the land, its revenue is, and shall be, payable by him, and that sum shall constitute also a mortgage debt. If the mortgagee allows the estate to fall into arrears, he cannot buy and acquire irredeemable interest in the land sold for arrears of revenue: when the land is sold for revenue, the mortgagee may sue for his money as an ordinary creditor, and can ask the Court to attach the amount of revenue deposit intended to be paid to the puttahdar as surplus proceeds of land sold for arrears of revenue thereof.

Under these circumstances I think the purchaser of the land sold for arrears of the revenue thereof takes it free of all incumbrances, notwithstanding that the prior mortgage is either established by a decree of a Civil Court or the bond is registered under the Registration Act.

Your obedient servant,
An Advocate.

Purghy, 28*th August* 1870.

To the Editor of the Madras Revenue Register.

Dear Sir,

I beg to submit a few propositions for solution.

Some seven or eight connected suits of a *most intricate* nature have been brought to a close in a Munsiff's Court after a long and wearisome examination of several witnesses in addition to several documents that have been filed on both sides. In the course of the inquiry a question has been raised by defendant's vakeel that the suits have not been properly valued under Act XXVI of 1867; the suits were filed in the beginning of 1869, when that Act was in force. The plaintiff sues to establish his right to, and recover possession of, one and odd share of lands in a village under the ryotwar settlement and the revenues payable thereon to the Government have not been finally settled. He has paid the stamp duties under note (*a*) Article 11, Schedule B, Act XXVI of 1867, that is, eight times the revenue due thereon to Government. The defendant's objection is that, as the market value of the lands sued for is much greater than eight times the revenues accruing thereon, and exceeds 1,000 Rupees by Rupees 200, the suits are not cognizable by a Munsiff's Court. The annual revenue payable to Government upon the lands in dispute in each of the said seven or eight suits is Rupees 60, and the market value of the lands in each case amounts to Rupees 1,200. The stamp duty in each suit was levied on Rupees 480 (8 × 60). The plaintiff argues that, under Clause 3, Section 11, Regulation VI of 1816, which is *still* in full force, and by which alone the Munsiffs' Courts in this Presidency have been guided

till this day, the jurisdiction in these suits must be determined upon the value of the annual produce of the lands in dispute in each suit, which amounts to only Rupees 220 and a few annas, a sum less than Rupees 1,000, and not upon the market value of the lands. Note (*a*) in Schedule B of the said Act runs thus—"In suits for immoveable property, "whether paying or not paying revenue to "Government, the amount of stamp duty pay- "able shall be computed according to the "market value of the property in suit. In "suits for immoveable property paying revenue "to Government, where the settlement is tem- "porary, eight times the revenue so payable, and "where the revenue is permanent ten times the "revenue so payable, and in suits for immove- "able property not paying revenue to Govern- "ment twenty times the annual net profits of "such property shall be taken to be the market "value thereof, unless, and until, the contrary "shall be proved." And Section 11, Clause 3, of the abovementioned Regulation is worded as follows, "For land subject to the payment of "rent in money or in kind, either to Govern- "ment or to any person representing Govern- "ment and receiving its dues, the annual produce "of which land shall not exceed 1,000 Arcot "Rupees." The plaintiff, after having advanced the above argument, appears to be willing to pay stamp duties on the market value of the lands in each suit, in the event of the question of jurisdiction raised by defendants being settled in his favour.

In another separate suit the plaintiff sues to recover possession of fifty palmyrah trees paying to Government annually 40 Rupees. The suit has been instituted after the Court Fees' Act (Act VII of 1870) came into operation. The stamp duty appears to have been paid upon the yearly revenue, that is, on five times 40 rupees. The defendant starts an objection to the valuation of the suit on the ground that the trees in dispute in the suit should not be considered as lands under Clause 5, Section 7 of the Court Fees' Act, and contends that the duty must be levied upon the market value of the trees under note (*e*) in that section.

Suits of the above nature are in daily occurrence in this district, and I wish, therefore, you will kindly clear my doubts on these points. The questions to be solved are as follow:—

(1.) Upon what principle can the jurisdiction in the above stated seven connected suits be determined, whether on the principle laid down in Section 11, Regulation VI of 1816, or whether upon the market value of the lands in dispute under Note (*a*) Article 11, in Schedule B, Act XXVI of 1867.

(2.) If the above question be determined in favour of plaintiff, that is, the jurisdiction must be determined upon the annual value of annual produce of the lands in dispute agreeably to the provisions contained in that Regulation, then how are the stamp duties in those suits to be levied, whether upon eight times the revenue payable to Government thereon, or upon the market value thereof.

(3.) What is the force and legal meaning of the phrase "unless, and until, the contrary shall be proved" in the Note (*a*) in Schedule B, Act XXVI of 1867.

(4.) Whether insufficient stamp duties payable in suits filed when Act XXVI of 1867 was in force can be levied under the new Court Fees' Act.

(5.) On what principle is the stamp duty in the suit, wherein the plaintiff sues to recover fifty palmyrah trees paying revenue to Government, to be levied under the Court Fees' Act?

I am, Sir,
Yours faithfully,
INQUIRER.

TINNEVELLY,
22*nd September* 1870.

We do not think that there should be any doubts on these points. The valuation of suits must be governed by the Stamp Act in force at the time of the filing of the suits. Perhaps, however, some one of our readers who is skilled in the practice of the Courts on the knotty question of valuation of suits, will be disposed to oblige our correspondent with the benefit of his experience.—ED. *R. R.*

HIGH COURT—MADRAS.

(Appellate Side.)

SCOTLAND, C. J., AND INNES, J.

Suit to enforce puttahs—Default on adjourned day of hearing—Ex-parte decision—Appeal.

A leaseholder sued his ryots to exchange puttahs and muchilkas with him. Certain of them appeared on first day of hearing, and submitted; the others failed to put in their answer, or appear, on the adjourned day of hearing. The Collector pronounced an ex-parte decision in favour of plaintiff. The Civil Judge reversed this decree on ground of misjoinder, and because certain of the defendants had put in an appearance on the first day of hearing—

HELD *by High Court that upon the above facts the Collector was empowered, under Section* 57 *of Act VIII of* 1865, *to pass an ex-parte decree, from which no appeal lay. Civil Judge's judgment reversed, and Collector's decision confirmed.*

Civ. Mis. Pet. 136 *of* 1869.

A. Soobramania Pillay *v.* M. Perumal Chetty and sixty-nine others.

THIS was an application, under Section 35 of Act XXIII of 1861, praying the High Court to revise the proceedings of the Civil Court of Tinnevelly reversing the decision of the Collector, passed *ex-parte* in a suit under the Rent

Recovery Act, (Madras Act VIII of 1865). The particulars of this case and the preliminary judgment of the High Court will be found at page 251 of Vol. IV. of the High Court Reports and at page 90 of Vol. III. of the *Madras Revenue Register*. The facts are briefly these. Soobramania Pillay, as lessee of the village of Nunjancolum, sued his ryots (seventy in number) in the Court of the Collector under the Rent Recovery Act to compel them to accept puttahs. Six of them appeared on the day fixed for hearing (21st June 1867), and agreed to accept the puttahs tendered; but the others applied for copy of the plaint to enable them to put in their defence. The Collector furnished them with the required copy, and fixed the 24th June, within which to put in their answer. Neither on that day nor for four days after, to which the Collector extended the time of his own motion, did the defendants put in their answer or appear in person or by pleader, whereon the Collector proceeded to hear the suit *ex-parte*, and gave judgment in favour of the plaintiff on the 4th July 1867. Defendants appealed to the Civil Court. Mr. Swinton, then Acting Civil Judge, dismissed the appeal as barred by Section 58 of the Rent Recovery Act, which provides that there shall be no appeal against a decision passed *ex-parte* by the Collector. On the return of Mr. Child, the Civil Judge, the defendants petitioned him for review of judgment. Mr. Child admitted a review on the ground of misjoinder, and doubted whether the Collector's judgment was *ex-parte*, inasmuch as certain of the defendants appeared on the first day of hearing. The plaintiff appealed to the High Court against this admission of review. Having heard the argument, which will be found set out at page 90 of the *Revenue Register* above quoted, their lordships held that, under Section 378 of the Procedure Code, the order granting the review was final; but, in order to save the parties the expense of an appeal, they expressed the opinion that, as Act VIII of 1865 lays down all the procedure for suits before a Collector, the decision of the Collector, under Sections 57 and 66 of that Act, was rightly an *ex-parte* decision. As the Civil Judge had meanwhile suspended execution of the Collector's decree and the pauper ryots in possession were cutting and carrying away produce to the serious loss of the lessee, he submitted copy of the judgment of the High Court to the Civil Judge, and prayed him to set aside his order admitting a review. The Civil Judge, however, dismissed the plaintiff's petition, and referred him for redress to the High Court. He then passed a decision setting aside Mr. Swinton's judgment, and, in reversing the Collector's decree in favour of the plaintiff, he called upon him to assess the plaintiff in such damages as he might find to be fairly due to the ryots. The closing words of Mr. Child's judgment were as follow, "The whole case is illegal from beginning to end. A landlord, suing a man for refusal to receive a puttah, must sue him separately, and must produce the puttah, and the ryots must be separately summoned, and care taken that the summons is served on him and that proper time is given him to appear, and proper place named. The Collector should be extremely cautious in calling cases *ex-parte*. The worse the Court, the more cases are *ex-parte* from intrigue or other causes. The decision of the Collector is reversed with costs. The ryots will be placed in possession again with such damages as the Collector may fairly find due. Of course, there is nothing to prevent the landlord bringing a fresh suit against each man. Costs to bear six per cent."

The plaintiff appealed to the High Court. Scharlieb for plaintiff, Sunjiva Row for the defendants. For the plaintiff it was submitted that the object of the Rent Recovery Act, namely, speedy relief, had been entirely defeated by the Civil Judge's proceedings, for the suit was brought in the early part of 1867, and here, in 1870, the plaintiff was still praying to be relieved against his defaulting ryots; that the ryots were still in possession, and had never been out of possession; that the puttah had actually been produced to the Collector and approved by him, as shown in his judgment; that Section 69 of Act VIII of 1865 specially provided that no judgment of a Collector shall be set aside "*for want of form, or for irregularity in procedure, but upon the merits only;*" and that Section 57 provided that a case shall be tried *ex-parte* if either party was absent even on "*any subsequent day to which the hearing of the case might be adjourned.*" Sunjiva Row contended that the Collector should be directed to re-place the suit on his file, and allow each ryot the opportunity of putting in his defence.

At a preliminary hearing their lordships were pleased to issue orders suspending execution of the Civil Judge's decree on the plaintiff paying into the Collector's Court the amount of costs and damages assessed against him, and at the final hearing they delivered the following

Judgment:—29th July 1870.

This is a petition, under Section 35 of Act XXIII of 1861, to set aside the decree of the Civil Court of Tinnevelly, passed on review of a former decree, on the ground that the Court had no jurisdiction to entertain the appeal in which the decree was passed. The appeal was from a decree of the Collector passed *ex-parte* against the appellants, ordering them and other tenants to receive the puttahs tendered by the respondent, and the sole questions raised as to the jurisdiction of the Court is whether the Collector's decree was legally passed *ex-parte*;

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for, if so, under Section 58 of Madras Act VIII of 1865, no appeal lay.

The facts material to the decision of that question which we consider to be established by the record are that these appellants were present on the day fixed for the trial of the suit before the Collector; but that they did not appear on the day to which the hearing was adjourned to admit of their putting in a written statement. For this default the suit was on the 28th June 1867 heard and decided *ex-parte*. We have no doubt upon these facts that Section 57 of the Act empowered the Collector to pass an *ex-parte* decree, and it is unnecessary to do more than say that we think the opinion expressed upon the point in the case between the same parties, reported in IV. Madras High Court Reports 251, is right. The decree of the Civil Court must, therefore, be reversed.

It was urged in argument for the counter-petitioners that we had the power, under Section 35 of Act XXIII of 1861, to make such order in the case as we thought to be right, and that an order should be made for the re-hearing of the case by the Collector. But we do not consider that there is any sufficient ground to warrant such an order, and we cannot refrain from noticing with disapproval the very strong language of the judgment of the Civil Judge and the unmeasured censure which it was intended to convey, and adding that we see nothing in the conduct of the case by the Collector which can be considered to have been harsh or unfair to the appellants. Allowing one suit against several tenants under distinct holdings was certainly an error in procedure, but no prejudice on the merits appears to have been thereby occasioned.

The order of this Court reversing the decree must require the petitioner to re-tender puttahs to the counter-petitioners in accordance with the Collector's decree, and the counter-petitioners to receive the same and deliver muchilkas in exchange within two weeks from the tender of the puttahs.

Scotland, C. J., and Holloway, J.

Right to enjoyment of water—Alteration of dam —Perpetual injunction.

Where A sued to prevent the alteration of a mud dam into one of brick and chunam, the Munsiff dismissed the suit on the ground that the alteration would not entail loss on A; but the Civil Judge, holding that the defendant had not proved her right to alter the existing condition of the channel, reversed the Munsiff's decree, and gave judgment in favour of A—

Held *that the right to obstruct the flow of water being admitted, the defendant had a right to make it as effective and inexpensive as possible; that the alteration of the machinery for the exercise of an admitted right is not an injury; and that something more than the possibility of a legal right being infringed must be proved, to justify the interference of a Court by a perpetual injunction.*

S. A. 11 *of* 1870.

Sri Rajah Row Butchi Sitiah *v.* Sri Rajah Row Bhaviah.

The plaintiff, proprietress of the Kirlampudi Estate, sued to prevent the defendant, proprietress of the adjoining estate of Viravaram, from erecting a brick-facing across a bund. Plaintiff alleged that an earthen bund had been placed across the Kodandaramudu Channel, which ran along the southern part of two villages attached to her estate; that the defendant had, contrary to the existing usage, commenced to face this bund with brick, and to raise it higher; and that, by this, the escape of the surplus water would be prevented, and damage to the extent of Rupees 800 per annum occasioned to her crops. Defendant admitted that the earthen bund had been long placed in the channel; but pleaded that it was necessary to strengthen it with brickwork, as it would cost her Rupees 500 to repair it, and loss would be occasioned to her crops. The District Munsiff of Peddapore issued a commission, under Section 180 of the Civil Procedure Code, to Mr. Hicken, an Overseer in the D. P. W., to make an inquiry and to report whether any loss would accrue to plaintiff's estate by the brick-facing being added to the present earthen bund. On that officer reporting that no loss was likely to be caused to plaintiff's estate, the Munsiff dismissed her suit with costs. Plaintiff appealed to the Civil Court. The Civil Judge, Mr. Morris, was of opinion that, as defendant had distinctly admitted that the earthen bund had been long in existence, and as she had produced no documentary evidence to show that she had any right to alter the present condition of the channel, (which flowed between plaintiff's estate and her own, and to the water of which, as riparian owners, they had equal rights, it was not necessary to remand the case for evidence as to the existing usage). The Civil Judge was also of opinion, that Mr. Hicken's report was insufficient to show the rights of the parties, and to justify the dismissal of the suit. It was just for matters to remain as they were, and future disputes on this point would be less likely to occur. Mr. Morris, therefore, reversed the Munsiff's decision, and found for the plaintiff, each party, however, bearing her own costs. From this decree the defendant appealed to the High Court. Kuppuramasawmi Sastry for appellant; Sloan for respondent.

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The High Court delivered the following

Judgment:—4th *July* 1870.

This is a case in which the Civil Judge has granted a perpetual injunction against the defendant facing a mud dam with brick. The right to the mud dam is not disputed and the right to obstruct the water is consequently admitted. The Civil Judge has simply granted it upon the ground that the mud dam has long existed, and no evidence has been adduced of a right to alter it. The fallacy is in treating the right as one to a mud dam: the right is to obstruct the flow of the water; and, that right being conceded, the defendant has a right to make it as effective and inexpensive as possible for that purpose. The alteration of the character of the right might be an injury to the plaintiff, but an alteration of the machinery of its exercise is no such infraction. The ground of the application was that the brick-faced dam would, in case of a flood, throw back the water upon land of the plaintiffs, while the mud dam would give way. It is admitted that for several years no case of such flood has occurred; and the remote possibility of damage from the occurrence of such a flood is certainly no ground for interfering with the defendant by injunction. To justify this procedure, there must be something more than the possibility of a legal right being infringed. For such infraction after infraction, damages are the natural remedy, and a case might be shown for the additional remedy of an injunction to prevent a recurrence of the injury. As to whether damage caused by a flood after the erection of the brick-faced dam would be an injury, we are expressing no opinion. It is sufficient to say that in the present case all the facts alleged by the plaintiff would not, if proved, make a fit case for an injunction. We, therefore, reverse the decree of the Civil Judge, and dismiss the original suit with costs.

HIGH COURT—CALCUTTA.

JACKSON, L. S., AND GLOVER, J. J.

Mahes Chandra Chattapadhya (plaintiff) *v.* Guruprasad Roy (defendant.)*

Moveable property—Act X of 1859, *Sections* 86, 99—*Act VI of* 1862, *(B. C.,) Section* 17—*Act VIII of* 1859, *Sections* 236, 265—*Execution of decree for rent—Collector, sale by.*

A obtained a decree against B for arrears of rent. C was an under-tenant of B under an ijara lease. In executing A's decree against B, the Collector sold the "rights and profits of the debts due for rent" from C to B, for the years 1273-4-5. *A became the purchaser, in a suit brought by D, as assignee of A, of rents alleged to be due for the years* 1273-4-5—

HELD *that, for the purposes of Act X of* 1859, *rent is moveable property; and that the Collector, therefore, was competent to effect the sale to A.*

Chandrakant Bhattacharjee v. *Jadupati Chatterjee* distinguished.

THIS was a suit brought before the Deputy Collector of Moorshedabad on the 16th June 1869. The suit was brought to recover from the defendant arrears of rent amounting to 693 Rupees, together with interest amounting to 107 Rupees,—in all 800 Rupees.

The circumstances of the case were as follow: The plaintiff alleged that one Godhen Mandal *alias* Lutafat Hossein had obtained an *ex parte* decree against one Mr. Robinson for rent due under an ijara lease, and, in execution of that decree, a sale took place, at which Godhen Mandal became the purchaser of "the right and profits of the debts due for rent to Mr. Robinson, for the years 1273, 1274, 1275 (1866, 1867, 1868)," from his under-tenant, the defendant in the present suit. That, subsequently to his purchase of Mr. Robinson's interests in the rents claimed, he, Godhen Mandal, had assigned them by a deed of sale to the plaintiff. The present suit was brought under Godhen Mandal's deed of assignment.

The defendant stated, first, that plaintiff had no cause of action against him, inasmuch as no relationship of landlord and tenant existed between them; secondly, that he had already paid to his landlord, Mr. Robinson, the sums due for the years 1273, 1274, 1275, before Godhen Mandal had instituted his suit against him.

On the evidence, the Deputy Collector considered that the defendant had failed to prove his allegation of having paid the rents to Mr. Robinson. As to the first plea set up by the defendant, he was of opinion, on the production of the certificate of sale in execution obtained by Godhen Mandal and his deed of assignment to the plaintiff, that the plaintiff took the position of Mr. Robinson, as landlord of the defendant; and, upon reference to *Shama Soonderee Dossee* v. *Bindabun Chunder Mozoomdar*,† and *Binode Beharee Mookerjee* v. *Beer Narain Roy*,‡ that the plaintiff could institute this suit under Act X of 1859. He gave a decree for the plaintiff accordingly.

The defendant appealed to the Officiating Judge of Moorshedabad, who was of opinion that "in a general way any assignee, whether by purchase or otherwise, certainly succeeds to the rights assigned to him in a legal manner; and, in the ordinary transactions of life, an assignment of debts due to A, by A to B, would be sufficient to authorize B to collect such debts. But, in the present instance, the transaction must be tested by the provisions of Act X of 1859.

"Now, Act X of 1859 nowhere provides for the sale in execution of decree of a right to collect rents, for a certain period of years, such as is said to have been sold in the present instance. Plaintiff could only obtain a right to collect such rents by the sale under Section 105 or 109, Act X of 1859. But it is not contended, and, in fact, cannot be contended, that, in the present case,

* Special Appeal, No. 111, of 1870, from a decree of the Judge of Moorshedabad, dated 18th December 1869, reversing the decree of the Deputy Collector of that district, dated 16th June 1869.

* 1 B. L. R., A. C., 177.

† Mar., 199. | ‡ 5 W. R., Act X Rul., 52.

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there was any sale of the tenure, for which rent was in arrears under Section 105, nor was there any sale of immoveable property under Section 109. Respondent's pleader has argued that the sale must be regarded as a sale of 'moveable property.' But it is impossible to apply the rules laid down in Sections 87, 98, and 99 of Act X of 1859, to a sale of debts due to a judgment-debtor; and the absence of any specific provisions as to the mode in which an attachment under sale of debts should be effected (such as are contained in Sections 236 and 265 of Act VIII of 1859) leads me to the conclusion that no sale of personal debts due to a judgment-debtor, in execution of a decree under Act X of 1859, can be upheld as a valid transfer of the rights to recover such debts.

"With reference to defendant's second plea, it appears that he failed to prove payment of the money as alleged by him. It is unnecessary to enter into this question at present. But I may remark that, in all cases of this nature, some notice to the tenant should be proved. (*The Collector of Rajshahye* v. *Hursoondery Debea,** and *Thakoor Doss Gossain* v. *Petumber Roy.*)"†

He decreed the appeal and dismissed the suit, and the plaintiff appealed to the High Court.

Baboo *Mahini Mohan Roy*, for appellant, contended that the unrealized arrears of rent were "moveable property" and "debtor's effects," within the meaning of Section 87 of Act X of 1859, and were, therefore, capable of being attached under an Act X decree.

Baboo *Mahendra Lal Seal*, for respondents, cited *Chandrakant Bhattacharjee* v. *Jadupati Chatterjee,*‡ and urged that, in execution of a decree in an Act X suit, the Court could only issue an execution against property which was capable of manual seizure: such was not a right to collect rents.

The judgment of the Court was delivered by

JACKSON, J.—The question raised in this special appeal is whether, in execution of a decree for arrears of rent under Act X of 1859, the Collector has power to sell the right of the judgment-debtor to recover rent, being at that time due from the under-tenant. In the case before us, the superior landlord had recovered a decree for rent against Mr. Robinson, his lessee, and, in execution of his decree against him, he procured to be sold Mr. Robinson's right to recover rent against his under-tenant, Guruprasad Roy. It has been held by both the Courts below that rent was due, at the time when the sale took place, from Guruprasad Roy to Mr. Robinson; therefore, the only question is, whether the sale by the Collector, in execution of the Act X decree, gave the purchaser a right to sue for the rent.

The Judge has held that it did not; but it seems to me that the Judge was mistaken in that view, and that the sale could be lawfully made, and is valid.

Section 86, Act X of 1859, has been re-placed by Section 17, Act VI of 1862, B. C., and that section provides that "the process of execution "may be issued against either the person or pro-"perty of the judgment-debtor, but process of "execution shall not be issued simultaneously "against both the person and property." And then Section 87, Act X, provides "that any "moveable property required to be seized under "an execution shall, if practicable, be described "in a list to be furnished by the judgment-creditor;" and then the section goes on to say, "the pro-"perty to be seized shall be pointed out to the "officer entrusted with the execution of the pro-"cess by the creditor or his agent." The question, therefore, is whether rent due being a debt is included in the words "moveable property."

I find that in Act VIII of 1859, which was passed a very short time before Act X, debts due to the judgment-debtor, from the party answerable for the amount of the decree, are enumerated among the kinds of property which may be attached and sold, and are not therein reckoned as immoveable property, but are clearly classed as moveable. It is very unlikely that the legislature, in passing about the same time two such Acts as Act VIII and Act X of 1859, should have used the same expression "moveable property," including under it debts and such matters in the one Act and excluding them in the other. Act VIII of 1859 contains much more elaborate directions for attachment and sale than Act X contains. Act X seems, as it were, to compress into one or two sections all that is elaborately provided for in the various sections relating to that subject in Act VIII.

It is admitted that a landlord may assign his right to recover rent to a third party, and that such party, under the assignment, may proceed to sue for, and recover, this rent by suit under Act X of 1859. If that be so, we have not much difficulty in arriving at the conclusion that the Collector's Court might sell, under the denomination of moveable property, that which the landlord himself might assign by private sale.

We have been much pressed by a decision in *Chandrakant Bhattacharjee* v. *Jadupati Chatterjee,** in which it is contended that the Court laid it down that a Collector's Court is incompetent to sell, in execution of a decree under Act X of 1859, the rights of the judgment-debtor in any suit. It appears to me that the decision of the Court in that case went by no means so far as the respondent's vakeel contends before us to-day. (Here the learned Judge recited the facts, and read the judgment of the Court upon the point, in the case of *Chandrakant Bhattacharjee* v. *Jadupati Chatterjee*).*

Baboo Mahendra Lal Seal, for the respondents, has read to us a passage from Mr. Warrens Blackstone, in which rents are described as incorporeal property. It seems to me that this definition does not press us to decide the point. It is sufficient to say that rents seem to me to come, for the purposes of Act VIII as well as of Act X of 1859, within the terms "property" and "moveable property;" I think, therefore, that the Collector was competent to sell these rents, and that the purchaser, by that sale, acquired a legal title to recover the rents, and that he was competent to maintain the suit; and was, therefore, entitled, the rents being due, to a decree. I think, therefore, that the decision of the lower Appellate Court must be reversed with costs.—*28th April 1870.—Bengal Law Reports, Vol. V., Part XXV.*

* W. R., 1864, Act X Rul., 6.
† S. D. A., 1859, 820.
‡ 1 B. L. R., A. C., 177.

* 1 B. L. R., A. C., 177.

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SELECT JUDGMENTS OF THE MADRAS SUDR UDALUT.

FULLERTON, SCOTT, AND STRATTON, J. J.

Professional-tax—Zemindary—Illegal collection.

Where a Zemindar, under istimrar sunnud, collected professional-tax from certain cloth-painters within his zemindary—

HELD *that the tax, being one which, in conformity with the established principles of the permanent settlement, was to be excluded from the assessment, could not be legally collected by the Zemindar.*

No. 10 *of* 1816.

CERTAIN cloth-painters, in the village of Comangalum, sued a Zemindar, in the Zillah Court of Chingleput, to recover money illegally collected by him from them on account of a professional-tax.

The Zillah Court adjudged the defendant to be entitled to make the collection of the tax in question, and dismissed the suit with costs.

In appeal, the Provincial Court for the Centre Division reversed the decree of the Zillah Court, and adjudged the original plaintiffs to be entitled to recover from the original defendant the amount proved to have been collected from them.

But the Court of Sudr Udalut admitted a special appeal from the decision of the Provincial Court, and found, in the Dowle account to which the appellant referred as the foundation of his claim to make the collection, that it was termed "*Roccadayam* payable by the Pallapulladay, *i. e.*, painters of cloth, and Chetties of Comangalum," that, in all the written demands for its payment served upon the respondents by the superintendent of the zemindary, it was invariably denominated a professional-tax, or a tax for painting cloths. The evidence of the witnesses was to the same effect, namely, that the tax was formerly paid by the respondents, because they were not cultivators but persons exercising a trade or profession. The Court had no doubt, therefore, that the tax which formed the subject of the suit was one of those exclusively of which it was declared in Section 4, Regulation XXV of 1802, that the permanent assessment should be made.

The exclusion of the several items of revenue enumerated in Sections 4 and 5, Regulation XXV of 1802, was recited in the instruments executed respectively by the Government to the Zemindar (the sunnud-i-milkeut-i-istimrar), and by the latter to the former (the kabuliat), the Court, therefore, could allow no weight to the argument of the appellant, that, as the settlement of his zemindary was made previously to the promulgation of Regulation XXV of 1802, the provisions of that Regulation were not to be applied to the present case.

The tax in question, then, being one which, in conformity with the established and universal principles of the permanent settlement, was to be excluded from the assessment, the Court could not recognize any right in the Zemindar to levy it; and, affirming the judgment of the Provincial Court, they directed that the appellant should pay all costs.

SCOTT, GREENWAY, AND OGILVIE, J. J.

Arrears of revenue—Seizure of grain deposited in granary—Trespass—Damages.

Where the Collector entered the granary of a revenue defaulter and took away certain grain, which he sold in satisfaction of arrears, and pleaded that he was justified in doing so, as the grain had been received from the Kudians in payment of revenue and had been deposited in the plaintiff's granary with his consent—

HELD *that this was a trespass and titling plaintiff to damages for loss actually sustained; that it was not a case analogous to distraint under Section* 17, *Regulation XXVIII of* 1802; *and that the proper course for the Collector was to have sued the plaintiff for the recovery of the grain deposited with him. Plaintiff, however, non-suited with costs, as he could not prove damages.*

No. 1 *of* 1817.

The Collector of Malabar and others *v.* Attoor Illata Soobhan Putter.

ATTOOR ILLATA SOOBHAN PUTTER sued the Collector of Malabar and ten others, in the Provincial Court for the Western Division, for the recovery of the value of certain grain alleged to have been taken away from his granary, and of certain articles secured in a box alleged to have been taken away at the same time.

The Provincial Court adjudged that the Collector should pay to the plaintiff the sum of Rupees 357-1-25, the value of the grain admitted to have been taken away from the plaintiff's granary, and interest thereon, amounting to Rupees 105-1-15, making a total of Rupees 462-2-40. The abstraction of the box containing money and valuables not being proved, that part of the plaintiff's claim was disallowed, and the parties were adjudged respectively to pay the prescribed proportion of costs. The other defendants included in the original suit were exonerated from all costs on the ground that they had acted under the instructions of the Collector.

The Collector of Malabar applied to the Court of Sudr Udalut for the admission of a special appeal from this decision, and the Court were of opinion that the cause was of sufficient

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importance to merit a further investigation, and admitted the special appeal solicited.

On the original hearing of this suit, it was alleged, on the part of the plaintiff, that his granary contained 2,251 parras of grain, his property, some having been received by him in payment from others, some bought with his own money, and some the produce of his own lands; that, after the Collector had committed the act which was the ground of the present action, there were found in the granary only 223 parras and 5 dungalees, and that consequently 2,027 parras and 5 dungalees had been taken away.

On the part of the Collector it was admitted that a quantity of grain, amounting to 1,875 parras and 8½ dungalees, was taken away from the plaintiff's granary and sold under the Collector's orders; but it was averred that the quantity so taken away and sold was grain which had been received from the Kudians in payment, or rather as security for the payment, of the Government revenue, and, with the plaintiff's consent, deposited in his granary until the time for selling it should arrive.

The Provincial Court, in their decree, having briefly recapitulated the allegations of the parties, stated that they "considered it unnecessary to go more minutely into the pleas "respectively urged by the parties and the "evidence adduced on both sides as to the "point of whether the 1,875 parras of paddy, "which it is allowed, on the part of the defendants, were taken from the granary belonging "to the Attoor Illana and occupied by the "plaintiff, was the property of Government, "and merely stood in the said granary, with "his permission, or whether the same was the "property of the plaintiff;—being clearly of "opinion, founded on the circumstances of the "case, as they appeared in evidence and were "admitted by the Collector, that he was not "justified, under any authority vested in him "by the Regulations, to issue an order, to "cause the granary occupied by the plaintiff "to be opened, and the quantity of grain, as "admitted, to be taken from it;" and they added that the Collector, being fully apprized of the claim set up by the plaintiff to the said granary, "there was no (other) legal course left for him to pursue than instituting an action against the plaintiff for the recovery of the said deposit." These were the grounds upon which the Provincial Court adjudged the Collector to pay to the plaintiff the value of the grain admitted to have been taken away together with interest thereon.

The Collector submitted to the Provincial Court an application for a review of judgment, on the ground that, as it was alleged, on the part of the defence, that the grain in question was deposited in the Attoor Illana granary in security for the public revenue and actually sold in liquidation thereof, the issue of the suit depended upon the establishment of that fact, or rather that it was incumbent upon the plaintiff to prove that the grain in question was truly and justly his property and not liable for the arrears of revenue on account of which it was sold; and that, as the Provincial Court had confessedly omitted to determine this point, they had not sufficient grounds for their judgment. In support of his application for a review of judgment, the Collector cited part of Section 17, Regulation XXVIII of 1802.

The Provincial Court rejected the Collector's application for a review on the ground that the case bore no analogy to that of a revenue defaulter or of a surety for the payment of revenue; that the act of the Collector, in ordering the granary of the plaintiff to be opened, under the circumstances stated, was a manifest trespass; and that, admitting the case to be, as stated by the defendant, the plaintiff could, in their opinion, be viewed only in the light of a depositary of the Government property, which, if he refused to restore or disputed, the deposit could only be recovered by civil action. The Provincial Court added that the decree passed by them did not decide upon the question of right to the grain, which was left for future adjudication should the Collector think proper to institute a suit thereon.

The Sudr Court entirely concurred in opinion with the Provincial Court that the act of breaking open the plaintiff's granary was a trespass. On the Collector's own showing the grain in question had been entrusted by him, or under his orders, to the custody of the plaintiff; and, on the plaintiff's refusal to deliver it up, his course was to sue the plaintiff for its recovery, when he would have been entitled to damages to the full extent of the loss which he had sustained by the plaintiff's refusal to restore it. It was a deposit which could lawfully be recovered only by legal process. If a plea of right to goods was admitted to justify a violent entry into a man's premises, it was manifest that a door would be opened to the unjust invasion of property, the extent of which it was not easy to foresee. The Court further agreed in opinion with the Provincial Court that the case under consideration bore no analogy to a case of distraint, and consequently Section 17, Regulation XXVIII of 1802, cited by the defendant, had no relevancy to it.

But, while the Court agreed with the Provincial Court in opinion that the act in question was a trespass, they did not consider that the plaintiff was entitled to the amount of damages awarded by the decree, namely, the value of the grain admitted to have been taken away from his granary. The plaintiff was clearly entitled to compensation only for the

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damage he had sustained; and, before he could justly recover the value of the grain taken away, it was necessary for him to prove that the grain was his property, or that he was responsible elsewhere for its value. It appeared to the Court that the plaintiff in this case had altogether failed to show that the grain in question was his property; and that, on the other hand, the evidence produced, on the part of the defence, clearly establishes the fact that 1,875 and odd parras of grain, the quantity admitted to have been taken away, were deposited by the revenue officers of the district in the plaintiff's granary, with his consent, such grain having been received from the ryots in security for the revenue due by them.

The plaintiff, therefore, having failed to establish that he had been endamaged, in the amount awarded to him, by the decree of the Provincial Court, and having, in fact, failed to show that he suffered any loss whatever by the act of the Collector, judgment must be pronounced against him, and he must be made liable for all costs. The Court, therefore, setting aside the decree of the Provincial Court, adjudged the respondent to reimburse to the Collector the sum awarded to him by that decree, namely, Rupees 462-2-40, and to pay all costs in the Provincial Court and in this Court.

OFFICIAL PAPERS.

Forest Training School for Madras Presidency.

Proceedings of the Madras Government, Revenue Department, 13th June 1870.

Read the following Proceedings of the Board of Revenue, dated 27th January 1870, No. 583:—

Read the following Proceedings of the Madras Government, dated 12th November 1869, No. 2,954, Revenue Department:—

Abstract.—*Forest Training School for Madras Presidency.*—Proposal of the Conservator of Forests to establish one referred to the Board of Revenue for observations.

With these Proceedings the Government forward, for the remarks of the Board, a letter from the Officiating Conservator of Forests proposing to establish a school for training a certain number of candidates for employment in the Forest Department.

2. Major Beddome points out the great disadvantages which attend every effort to establish a system of forest conservancy, owing to the want of Superintendents possessing any knowledge of the first principles of forestry.

3. It was at one time proposed to open a training school at the Nellumboor Teak Plantations, but Major Beddome does not now advocate that plan. He shows that at Nellumboor (the planting being confined to teak) no general knowledge of arboriculture could be obtained there, and points out that, as the country is feverish and the people inhospitable, considerable expense would have to be incurred in the erection of dwelling houses, &c., for the pupils. Major Beddome, in preference, recommends that a school for a limited number of pupils should be opened under the charge of the Conservator at Ootacamund, where he shows that pupils would have the advantage of studying planting in tropical, sub-tropical, and alpine regions, and would be in a position to acquire more varied information in forestry than at any other place.

Board's Proceedings, dated 22nd November 1867, No. 7,607.

4. The question of establishing a training school at the expense of the jungle conservancy funds was raised in 1867, and referred to the Collectors of districts for their opinions.

5. The Collectors were divided in their opinions, some considering that no measure of the kind was required for their districts, while others foresaw considerable advantages in the proposed scheme. They also differed as to the class of men to be employed, some Collectors proposing to train intelligent men of the Overseer class, whilst others would have been content with subordinates on 7 Rupees a month.

6. The general question of jungle conservancy having been at the same time brought forward and referred to the districts for report, all action was stayed as regards the training school, pending the receipt of the reports from the different districts on the measures of protection which the several Collectors proposed to adopt.

7. From these reports (herewith submitted) it appears that conservancy has been carried into practice, and reserves for firewood formed, to a greater or less extent, in all districts.

8. The measures adopted in various districts differ, of course, according to the varying circumstances of the country to be treated, but a beginning has been everywhere made. It is not necessary in this place to review in detail the proceedings in each district; but the Board are satisfied that the time has now come for gradually introducing more systematic treatment of the jungles under conservation, and, with this view, they strongly advocate the establishment of a training school at Ootacamund as suggested by Major Beddome.

9. The Board have conferred with Major Beddome on the subject, and agree with him in thinking that, for the present, a limited number of pupils of the Overseer class should be entertained. Major Beddome considers that a course of training of from four to six months would be sufficient to fit intelligent young men for employment under Collectors. A class consisting of five individuals, of whom three should be natives, would be sufficient at first, and the Board consider that an allowance of 40 Rupees a month each for the former and 20 for the latter would suffice. As these men become duly qualified they might be sent to the districts and be re-placed by others. Their salaries while training would be fairly chargeable to Local Funds, and the cost should be distributed rateably over all the districts.

	RS.
Two, at 40	80
Three, at 20... ...	60
Total...	140

10. The Board consider that this will be preferable to charging the salary of individual pupils to particular districts. Each district will in its turn be supplied with Overseers from this class, and may, therefore, be fairly called on to contribute to its general cost.

11. The Board are also of opinion that it is highly desirable that the superior officers of the department, before entering on their duties in the districts, should undergo a course of training at Ootacamund, the expense being, of course, borne by the Imperial Forest Revenue; with this view, if possible, one or two supernumerary officers should be appointed.

12. The proposal of Major Beddome to establish a museum for the department also commends itself as sure to be of the greatest aid to students of arboriculture, and the Board recommend that funds be allotted, whenever available, for the purpose.

13. Pending the passing of a new Forest Law, it would be premature to discuss the future organization of the department; but the Board consider that the first step towards improvement in forest management will be to provide the means of training an efficient body of men to carry the law into effect whenever it may be passed.

Order thereon, 13th June 1870, No. 865.

Ordered to lie over until the proposals for the re-organization of the Forest Department are disposed of.

(True Extract.)
(Signed) R. A. DALYELL,
Acting Secy. to Government.

THE CÆSALPINIA BONDUCELLA.

Read the following papers :—

From the Officiating Conservator of Forests, to the Acting Under-Secretary to Government, Revenue Department, dated Camp at Ootacamund, 19th April 1870, No. 2,067.

In acknowledging receipt of the Proceedings of Government, No. 527, of the 13th instant, I have the honour to inform you that the *Gajga* or *Cœsalpinia bonduc (Linn)*, of which pods were forwarded to Mr. Broughton, is very common in many parts of our Presidency, particularly so about the backwaters on the Western Coast, where the plant is known by the native name of *Kalichi*. The nuts are used by the natives as a febrifuge and tonic. They have been analyzed, and are said to contain oil, starch, sugar, and resin. At Mr. Broughton's request I am procuring him a few pounds of the seed.

From the Inspector-General of the Indian Medical Department, to the Acting Secretary to Government, Revenue Department, Fort Saint George, dated 23rd April 1870, No. 100.

I have the honour, with reference to paragraph 2 of Proceedings of Government, Revenue Department, and Order thereon, No. 527, of 13th April 1870, to inform you that the plant *(Cœsalpinia bonducella)* therein referred to is widely diffused in Southern India and very common in Mysore and the Deccan.

2. The seeds are frequently used by natives for the relief of malarious fever. European practitioners have also tried both seeds and roots as a febrifuge with satisfactory results.

From the Government Quinologist, Ootacamund, to the Acting Secretary to Government, Revenue Department, Fort Saint George, dated 27th May 1870.

I have received G. O., No. 527, of 13th April 1870, and the enclosed papers on the subject of Lata seed.

2. The shrub that produces the *Bonduc* nuts, (as they are called in this Presidency,) is well known, and the nuts are to be had in every bazaar. From inquiries I made in 1868 I was not led to form a high opinion of their medical efficiency as a febrifuge.

3. I have examined the nuts chemically; they contain no special crystalline principle. Their bitterness is due to the presence of an oil which will be found to possess, in a concentrated degree, any therapeutic virtues possessed by the nuts. I find this oil to be readily extracted by carbonic disulphide.

4. I have the honour to forward a sample of this oil for medical trial. On the datum given in Mr. Houghton's letter that a single nut is a dose, a dose of this oil should consist of 3 grains. The quantity sent will furnish 300 doses.

5. The oil on saponification yields a peculiar patty acid, related to olric acid, on which doubtless depends its special properties. This acid, however, is unfitted for medical use, since it rapidly oxidizes when exposed to the air; hence the oil alone is suitable for use as a medicine. The separation of the acid in a pure state would be a work of very great labour, and would require large quantities of oil. I shall, therefore, defer attempting it until the efficiency of the medicine has been proved.

6. Further quantities of oil can be supplied when required. I have the honour to request that I may be informed of the result of its trial.

Order thereon, 13th June 1870, No. 867.

The sample of oil received from Mr. Broughton will be forwarded to the Government of India in compliance with their letter, dated 9th February 1870, No. 769.

2. The following letter will be despatched to the Government of India :—

(Here enter No. 868, dated 13th June 1870.)

(True Extract.)
(Signed) R. A. DALYELL,
Acting Secy. to Government.

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REVENUE DEPARTMENT,
FORT SAINT GEORGE,
13th June 1870.
No. 868.

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
Home Department.

SIR,—Adverting to your letter, dated 9th February 1870, No. 769, I am directed to submit to His Excellency the Governor-General in Council the marginally-noted enclosures relating to the plant *Cœsalpinia bonducella,* and also to forward a sample of oil extracted from its nuts by the Government Quinologist.

From the Offg. Conservator of Forests, dated 19th April 1870, No. 2,067.
From the Inspector-General of the Indian Medical Dept., dated 23rd April 1870, No. 100.
From Mr. Broughton, Govt. Quinologist, dated 27th May 1870.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) R. A. DALYELL,
Acting Secy. to Government.

PUTTAH LANDS ON THE NEILGHERRIES.

Proceedings of the Madras Government, Revenue Department, 15th June 1870.

Read the following Proceedings of the Board of Revenue, dated 7th May 1870, No. 3,047 :—

Read the following letter from the Commissioner of the Neilgherries, to the Acting Secretary to the Board of Revenue, dated Coonoor, 31st March 1870, No. 51.

I have been furnished with the survey areas of the present holdings of the Badagas within the settlement limits of Coonoor. The result is that, within this limited area, the Badagas are found in possession of 675·39 acres in excess of the 562·93 acres they pay for under puttah.

2. I append a statement showing the actual excess held by each Puttahdar. In all instances they wish the excess to be charged in their puttahs, and I have ordered their puttahs to be made out accordingly.

3. In some instances, such as Puttahs Nos. 205, 206, 569, 239, the excess is three or four times greater than the puttah area. Still, from inquiries made on the spot, I do not think these* are recent encroachments. As far as I can learn, the Puttahdars have been in long possession, and I have, therefore, thought it best, even in these instances, to recognize the right of the Puttahdars to the excess. The sooner we have a general survey of all the puttah lands in this district, the better.

* With one exception, No. 206, about which I may have to address the Board again.

ENCLOSURE No. 1.—List.

The Commissioner reports that the survey of the settlement of Coonoor has shown that the Badagas who have settled there cultivate 675 acres besides the 562 which they are supposed to occupy and actually pay for. He recommends a general survey of all puttah lands on the Hills.

2. The Board resolve to lay the report before Government, and to recommend that the Survey Department, who are now at work on the Hills, be instructed to survey puttah lands at the same time as the reserves, swamps, &c., to which their attention has been already directed. The additional work will probably not be seriously felt.

3. The Board approve of the Commissioner's proceedings in allowing the Puttahdars to remain in possession of the whole of their holdings.

Order thereon, 15th June 1870, No. 878.

With reference to paragraph 2 of the foregoing Proceedings the Government resolve to request the Superintendent of Revenue Survey to arrange for the survey of puttah lands on the Neilgherry Hills if the duty can be undertaken by the party now at work there.

(True Extract.)
(Signed) R. S. ELLIS,
Chief Secretary.

VILLAGE CESS IN ZEMINDARIES.

Proceedings of the Madras Government, Revenue Department, 16th June 1870.

Read the following Proceedings of the Board of Revenue, dated 14th March 1870, No. 1,719.

Read the following letter from the Officiating Collector of the Kistna District, to the Acting Secretary to the Board of Revenue, dated Masulipatam, 29th January 1870, No. 437.

The Head Assistant Collector of this district reports to me that the Mohatads, Vettyans, and other village servants in the Nuzid Zemindary do not usually receive their regular fees, and that the introduction of Act IV. of 1864 is urgently required to correct the present state of matters. I do not find any provision in the Act for its introduction into zemindary villages; but from Sections 2 and 9 of the Act it appears that the sanction of the local Government should be obtained for its introduction in *any part of a district.* In the case of lands held on Visabady sists the cess can be levied on the full assessment and water-tax, if any; and, when *Asara* or the sharing system prevails, it can be levied on the actual sums paid to the Zemindar by the ryots.

2. If the Board consider that the Act can be introduced into the zemindary estates, I shall, in communication with the Zemindars in this district, submit definite proposals on the subject.

In this letter the Acting Collector of Kistna refers to the necessity of extending the operation of the Village Service Act (IV. of 1864) to zemindary tracts, in order to correct certain irregularities with regard to the fees of officers in those parts, and adds that, if the Board consider that the Act can be introduced into the zemindary estates, he will place himself in communication with the Zemindars on the subject, and submit definite proposals.

2. The Board do not think that the Act can be applied to zemindaries. Looking at the wording of the Water-cess and Road-cess Acts, it is

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to be inferred that, had the legislature intended it to extend to zemindaries, specific provision would have been inserted.

3. Zemindary ryots cannot be deemed to be landholders paying assessment to Government (Section 3), and Section 4 seems inapplicable.

4. Under these circumstances the Board submit the Collector's letter to Government with their opinion that it may become necessary to extend Act IV. of 1864 (Madras) to zemindaries, but they are not prepared to move in the matter at present.

Order thereon, 16th June 1870, No. 886.

The Right Honourable the Governor in Council concurs with the Board of Revenue in considering that the Village-cess Act cannot be held applicable to zemindary estates.

(True Extract.)

(Signed) R. S. ELLIS,

Chief Secretary.

SEASON REPORT.

REMARKS ON THE SEASON.

NORTHERN SECTION.—The rainfall was inadequate for the requirements of the season in Ganjam, Vizagapatam, and Nellore. In Godavery and in parts of the Kistna rain was abundant, and was followed by heavy freshes in the rivers.

Ganjam.—The transplantation of *paddy* and *raggy* was retarded in Ganjam by the insufficient rainfall, which also slightly affected the standing *gingelly, guntalu,* and *sugarcane* crops.

Vizagapatam.—In Vizagapatam the cultivation of dry grains was undertaken in localities where it had hitherto been neglected. *Sugarcane* and *cotton* were thriving, and species of *paddy,* known as *satiga* and *chittida,* were harvested in Palcondah.

Godavery.—The heavy freshes in the river Godavery swept away the crops on the islands. Tanks, however, received good supplies, and anicut channels were full. Transplantation under the latter was in active progress, and the condition of the early dry crops and garden products was remarkably good.

Kistna.—The unusually heavy freshes in the Kistna River inundated a few villages in the Repalli and Bandur Taluks, and caused some of the tanks to burst. The same danger appeared imminent with a few other tanks. Early crops were in course of cultivation. Lands were prepared for the reception of *lamp-oil seeds,* and seed-beds of *paddy* were formed in favoured localities. The success of the *sujja* and *jiddy jonna* crops, already sown, was not the same everywhere.

Nellore.—*Peshanum* and *sannavari* and a large number of dry grains were cultivated in Nellore. *Indigo* was being cut, and the standing *sujja* and *karukesari* crops were thriving. Ploughing operations had not yet ceased.

Prices ruled high in Kistna and in parts of Ganjam. In the other districts they declined, with a few exceptions.

Cholera broke out in all these districts. Prompt medical assistance was afforded in Kistna, where the genuineness of the epidemic was doubted by the Civil Surgeon. Small-pox and fever were abating, but had not entirely disappeared.

Cattle suffered in a limited degree from disease.

CEDED DISTRICTS.—The rainfall was general in Cuddapah and Kurnool, and unequally distributed in Bellary. In parts of the latter district it was heavy, and did not cease pouring for fourteen consecutive days.

Cuddapah.—Tanks received only a scanty supply in Cuddapah. The cultivation of dry grains, to a small extent, was progressing, and the standing crops, excepting a few in Royachote, and *sugarcane* in Kadivi, which had suffered from blight, were doing well. *Chennangy paddy* and *indigo* were harvested; the yield was three-fourths of a full crop.

Bellary.—In Bellary ryots were busily engaged in cultivation. No lack of pasture was experienced.

Kurnool.—All over the Kurnool District, *paddy, jonna korra, raggy,* and *arika* were sown. The early crops were suffering from blight in the Cumbum Taluk to a small extent.

Prices of grains rose in Cuddapah and Kurnool. In Bellary, markets were well supplied and prices were falling.

Cholera appeared in one or two villages of Cuddapah, but was not fatal. Public health was, on the whole, good.

The *moosara* disease in Bellary, *saruku* in Cuddapah, and *murrain* in Kurnool, slightly affected the health of cattle. In the two former districts Dr. Thacker's medicines were applied with success.

EAST CENTRE.—There were rains throughout this section.

Chingleput.—In Chingleput, *cumboo, raggy, gingelly-oil seed, indigo,* and different kinds of *paddy* were sown. The intermittent fall of rain, by causing an excess of moisture, proved prejudicial to the dry crops, and also impeded, in some measure, the cultivation of dry lands.

North Arcot.—In North Arcot, *horse-gram, sujja, indigo, arigaloo, raggy,* and *paddy* were sown. Excess of moisture in Vellore and Arcot, and the want of water in Polur, slightly injured the standing crops.

South Arcot.—In South Arcot, the usual dry grains, *kar-paddy,* and *sugarcane,* were sown. *Indigo* and *kar* crops were harvested in a few taluks. Difficulty was still experienced in parts of Trinomalay and Cullacoorchy Taluks from want of water and pasture.

Prices did not differ materially from those of the previous month in North and South Arcot. In Chingleput they rose slightly.

Cholera carried off 45 persons in North Arcot. Its prevalence in South Arcot was limited, and was not attended with any serious loss of life.

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Chingleput enjoyed immunity from the epidemic, and there was no other disease of sufficient prevalence to affect public health.

Cattle suffered from disease in North Arcot.

CAUVERY.—The rainfall was scanty in Trichinopoly, and tolerably good in Tanjore.

Tanjore.—Ample freshes came down the Cauvery and Coleroon in Tanjore. The tanks in the dry taluks, except one, received moderate supplies. *Kadupukar* and dry grains were under cultivation.

Trichinopoly.—In Trichinopoly the growth of pasture was obstructed by the scanty rainfall, and it was apprehended that the standing dry crops on unirrigated lands would suffer unless nourished by a few more plentiful showers. *Kar* and *sumba paddy* and *sugarcane* were cultivated under irrigating channels, which had received considerable supplies from the freshes in the Cauvery and Coleroon.

Prices were almost stationary.

Cholera prevailed to a slight extent in Tanjore, but public health was, on the whole, good.

Cattle also preserved good health.

SOUTHERN SECTION.—Rains in this section were confined to a few partial and scanty showers.

Madura.—The state of things in Madura was far from favourable. Tanks had run quite dry, crops had withered from drought, and serious inconvenience was felt from want of water and pasture for cattle.

Tinnevelly.—In Tinnevelly, *kar-paddy, cumboo, raggy, dholl,* and *cholum* were cultivated. The young crops were healthy in Ambasamudramand Tenkasi Taluks, but in others had suffered from inadequacy in the water-supply.

Prices rose.

Cholera was abating. Public health was good.

WEST CENTRE.—There was a limited fall of rain in Coimbatore. In the other districts the fall was tolerably good.

Coimbatore.—In parts of Coimbatore, where the rains had been sufficiently heavy, dry grains were cultivated, *raggy* was being transplanted, and lands were under preparation for the cultivation of *paddy*. The standing crops looked healthy. Wells were not full, and tanks, excepting those fed by the south-west monsoon, were no better.

Neilgherries.—On the Neilgherries, *coralie, samay, raggy, ganjay, wheat,* and *keeray* were in good condition. *Coffee* was blossoming.

Salem.—*Kar-paddy* and dry grains were cultivated in Salem, the former under well irrigation. The standing crops, including *cotton* and *indigo*, of which there was a large cultivation in some of the taluqs, were flourishing. *Kar-paddy, cumboo, raggy,* and *sugarcane* were cut during the month.

Prices were rising in Salem in the prospect of a demand for export to other districts. That of second sort *rice* and *horse-gram* on the Neilgherries was falling.

Fever and cholera, the latter of which was confined to Salem, affected public health in some measure.

Cattle also suffered slightly from disease.

WEST.—Rains in this section were seasonable and steady.

South Canara.—The cultivation of first-crop *rice* was over in South Canara, and the seedling looked promising.

Prices were stationary.

Cholera in Malabar, and fever and small-pox in South Canara, were to a small extent prevalent.

Cattle were healthy.

***Average Bazaar Prices of Grain and Salt per Madras Garce, and Rain Report of all the Districts of the Madras Presidency, for the Month of July* 1870, *Fusly* 1280.**

DISTRICTS.		Prices of Grain and Sea Salt.												Rainfall.				
		2nd sort Rice.		2nd sort Paddy.		Cholum.		Raggy.		Horse Gram.		Sea Salt.		Northern Section.	Southern Section.	Eastern Section.	Western Section.	Average.
		Fusly		Fusly		Fusly		Fusly		Fusly		Fusly						
		1279	1280	1279	1280	1279	1280	1279	1280	1279	1280	1279	1280					
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Ins.	Ins.	Ins.	Ins.	Ins.
Northern Section.	Ganjam	286	262	116	106	248	181	168	131	215	196	281	317	5·00	6·00	4·10	4·90	5·00
	Vizagapatam	394	297	172	131	282	172	230	158	236	179	282	313	5·0	0·90	3·20	3·60	3·17
	Godavery	289	232	134	104	166	127	168	118	206	184	242	273	5·58	4·11	4·89	4·96	4·88
	Kistna	362	333	162	148	185	203	167	170	255	210	291	348	6·00	3·37	8·27	3·65	5·32
	Nellore	366	324	172	152	154	196	135	163	228	235	262	324	2·58	2·21	3·54	1·92	2·56
Ceded Districts.	Cuddapah	404	421	189	231	180	211	168	183	208	241	311	346	6·80	1·55	4·22	2·77	3·84
	Bellary	370	429	148	181	128	258	110	154	160	217	378	429	3·51	0·71	1·52	2·84	2·14
	Kurnool	420	415	190	186	150	202	154	189	220	244	331	367	4·15	4·31	6·12	3·38	4·49
East Centre.	Chingleput	473	374	217	160	279	293	251	215	304	258	267	292	4·19	3·85	6·02	4·38	4·61
	North Arcot	433	341	194	147	229	187	216	170	234	175	243	296	3·40	3·20	2·70	3·70	3·25
	South Arcot	424	298	189	134	235	143	231	153	226	179	276	327	3·22	1·77	4·18	2·67	2·96
Cauvery.	Tanjore	385	270	182	126	203	164	196	138	210	189	251	298	1·85	2·37	1·25	0·90	1·59
	Trichinopoly	413	317	191	146	163	152	192	150	217	172	282	321	0·31	0·15	3·00	0·52	0·99
Southern Section.	Madura	427	372	204	171	175	171	231	163	189	176	284	329	0·60	0·20	3·15	1·65	1·40
	Tinnevelly	444	430	211	197	225	222	216	215	211	219	289	344	0·02	...	...	0·58	0·15
West Centre.	Coimbatore	466	409	230	203	289	258	238	208	251	194	338	385	3·01	1·56	1·18	1·31	1·77
	Neilgherries	582	533	...	...	291	320	246	267	291	246	457	457	...	...	3·14	5·06	4·10
	Salem	404	335	184	155	209	165	189	149	195	152	298	344	3·04	2·35	2·00	1·12	2·13
West	South Canara	384	399	173	177	...	...	247	258	304	289	254	285	42·60	38·20	37·70	39·80	39·57
	Malabar	465	406	217	195	...	...	214	184	316	250	302	354	32·95	18·97	27·09	26·98	26·49

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Statement of Cotton and Indigo Cultivation with their Market Prices for the Month of July 1870, *Fusly* 1280.

	DISTRICTS.	Cotton. Fusly 1279. Extent.	Cotton. Fusly 1279. Assessment.	Cotton. Fusly 1280. Extent.	Cotton. Fusly 1280. Assessment.	Market rate of cleaned Cotton per Candy of 500 lbs.	Indigo. Fusly 1279. Extent.	Indigo. Fusly 1279. Assessment.	Indigo. Fusly 1280. Extent.	Indigo. Fusly 1280. Assessment.	Market rate of Cake Indigo per Maund of 25 lbs.
	1	2	3	4	5	6	7	8	9	10	11
		Acres.	Rs.	Acres.	Rs.	Rs.	Acres.	Rs.	Acres.	Rs.	Rs.
1	Ganjam ...	5,315	10,715	5,966	11,413	165	......	......	......	......	70
2	Vizagapatam ...	7,313	10,505	3,329	6,570	158	196	821	106	626	46
3	Godavery ...	235	708	1	1	144	407	1,269	838	1,109	58
4	Kistna ...	4,571	4,548	277	314	141	5,465	10,415	6,552	10,718	52
5	Nellore ...	637	654	250	310	152	10,402	22,992	11,539	27,764	46
6	Cuddapah ...	1,685	889	901	662	110 to 180	15,965	63,260	15,275	1,01,737	40 to 70
7	Bellary ...	1,024	499	3,471	1,691	156	2,796	6,188	4,095	7,439	66
8	Kurnool ...	2,763	4,281	10,327	8,719	138	33,638	67,241	38,106	72,[illegible]95	54
9	Chingleput ...	......	......	......	......	...	1,502	5,195	2,906	7,794	...
10	North Arcot ...	258	644	1,246	2,750	150	3,690	9,105	8,360	16,492	52
11	South Arcot ...	279	529	1,286	2,484	121	18,510	36,446	50,294	95,379	46
12	Tanjore ...	59	72	1,706	2,194	160	127	182	294	2,137	25
13	Trichinopoly ...	191	112	292	178	136	17	46	65	138	14
14	Madura ...	1,989	3,085	3,057	4,991	100	2	6	20	38	40
15	Tinnevelly ...	282	398	170	200	149	19	8	19	...	31
16	Coimbatore ...	8,279	6,393	18,264	17,654	126	......	......	......	...	30
17	Salem ...	1,009	1,456	4,676	6,598	190	305	1,525	609	4,245	35
	Total...	35,888	45,488	55,219	66,724	......	93,041	2,24,699	1,40,208	3 48,646	......

Revenue Board Office,
Madras, 22*nd August* 1870.

(Signed) J. GROSE,
Acting Secretary.

CIRCULAR ORDER OF THE BOARD OF REVENUE.

No. XII. of 1870.

Standing No. 404-13.

U. C. Servants acting in posts less than 100 Rupees to have available allowances.

Proceedings of the Board of Revenue, dated 8*th September* 1870, *No.* 5,642.

The following ruling of the Government of India* modifies the provisions of the Board's Standing Order No. 404-11:—"When an Uncovenanted Servant acts in an office on a salary of less than 100 rupees per mensem, the authority by whom he is appointed may, if necessary, allow him as much of the salary of that office as is available."

* Comunicated in Government Order of 30th June 1870, No. 149, Revenue Department.

(A true Extract.)

(Signed) J. GROSE,
Acting Secretary.

(True Copy.)

(Signed) J. T. MAYNE,
First Assistant.

ACTS OF THE GOVERNMENT OF INDIA.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 1st April 1870, and is hereby promulgated for general information:—

Act No. XIII of 1870.

An Act to apply the provisions of Act No. XVIII of 1854 *to Railways belonging to, or worked by, Government.*

Application of Railway Act to Railways belonging to Government but worked by Companies.

1. Act No. XVIII of 1854 (*relating to Railways in India*) shall apply to all Railways now or hereafter belonging to Government, but worked by a Railway Company, in the same manner as if such Railways belonged to the Company and had been opened by the Company in manner mentioned in the preamble to the said Act.

Application of Railway Act to Railways worked by Government.

2. Subject to the modifications hereinafter mentioned, the said Act shall apply to all Railways now or hereafter worked by Government in the same manner as if such Railways had been opened by a Railway Company in manner aforesaid.

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Modifications of Act when applied to Railways worked by Government.

3. In applying the said Act to any Railway now or hereafter worked by Government,

the expressions "servant of the Company," "such servant," "such servant of the Company," "servant of the said Company," "Company's servants," "servants of the Company," "their servants," and "any of their servants," shall mean a servant or servants employed on such Railway:

the expressions "officer or servant of such Railway Company," "officer or servant of such Company," "officer or servant of the Company," "servant or officer of the Company," and "such officer or servant," shall mean an officer or servant employed on such Railway:

the expressions "the premises of any such Railway Company," "the premises of the Company," "premises belonging to the Company," "lands belonging to such Railway Company," and "lands, stations, or other premises belonging to the Company," shall mean the premises, lands, or stations (as the case may be) occupied by, or for, such Railway:

the expression "delivered to such Railway Company" shall mean "delivered to an officer on behalf of Government," and the expression "engagements on behalf of the said Railway Company" shall mean "engagements on behalf of Government:

Sections 9 and 10 shall be read as if, for the expression "No such Railway Company shall," the expression "the Government shall not" were substituted":

the expressions "any such Railway Company," "such Railway Company," "any such Company," and "the Company" shall mean, in Sections 3, 6, 8, 11, 12, 15, 22, 27, and 30, the Government;

but in Sections 17, 19, 20, 21, 23, 41, and 42, the expressions "Railway Company," "such Railway Company," "the Company," and "they" (when referring to a Company) shall mean the officer for the time being entrusted with the control of such Railway:

in Section 20 the expression "their Railway" shall mean such Railway:

and Section 29 shall be read as follows:—

"XXIX. In the construction of this Act, every officer and servant employed on such Railway shall be deemed to be legally bound to do everything necessary for, or conducive to, the safety of the public, which he shall be required to do by any Regulation made by the officer for the time being entrusted with the control of such Railway and allowed by the Governor-General of India in Council, and of which Regulation such officer or servant shall have notice;

and every such officer and servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger, and which, by any such Regulation, he shall be prohibited from doing;

and every person employed by, or on behalf of, the Government, to do any act upon the Railway, shall be deemed to be a servant employed on such Railway."

(Signed) WHITLEY STOKES,
Secy. to the Council of the Govr.-Genl. for making Laws and Regulations.

Re-published by order of His Excellency the Governor in Council.

(Signed) R. S. ELLIS,
Chief Secretary.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 5th April 1870, and is hereby promulgated for general information:—

ACT No. XIV OF 1870.

An Act for repealing certain enactments which have ceased to be in force, or have become unnecessary.

Preamble.

Whereas it is expedient that certain enactments (mentioned in the schedule to this Act) which have ceased to be in force otherwise than by express and specific repeal, or have, by lapse of time and change of circumstances, become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows:—

Enactments in schedule repealed.

1. The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the 3rd column of the same schedule:

Provided that the repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated, or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired, or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing:

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form, or course of pleading, practice, or procedure, or existing usage, custom, privilege, restriction, exemption, office, or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived by, in, or from, any enactment hereby repealed:

Nor shall this Act provide or restore any jurisdiction, office, usage, custom, privilege, restriction, exemption, usage, or practice not now existing, or in force.

Short Title.

2. This Act may be called "The Repealing Act, 1870."

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SCHEDULE.

PART I.—STATUTES.

Year and Chapter.	Title.	Extent of repeal.
13 Geo. III., Cap. lxiii.	An Act for establishing certain regulations for the better management of the affairs of the East India Company as well in India as in Europe.	Secs. 16, 19, 20, 27, 28, 29, 31, 33, 36, & 38 from and including the words "and for that purpose" to the end of the section.
21 Geo. III., Cap. lxx.	An Act to explain and amend so much of an Act, made in the thirteenth year of the reign of his present Majesty, intituled, An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe, as relates to the administration of justice in Bengal; and for the relief of certain persons imprisoned at Calcutta in Bengal, under a judgment of the Supreme Court of Judicature; and also for indemnifying the Governor-General and Council of Bengal, and all officers who have acted under their orders or authority, in the undue resistance made to the process of the Supreme Court.	Sections 9 to 16 (both inclusive). Secs. 19 to 26 (both inclusive).
33 Geo. III., Cap. lii.	An Act for continuing, in the East India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further regulations for the government of the said territories, and the better administration of justice within the same; for appropriat-	Secs. 61, 137 from and including the words "nor shall it be lawful for any of His Majesty's subjects" to the end of the section, Secs. 155 and 159.

SCHEDULE—(Continued.)

Year and Chapter.	Title.	Extent of repeal.
	ing to certain uses the revenues and profits of the said Company; and for making provision for the good order and government of the towns of Calcutta, Madras, and Bombay.	
37 Geo. III., Cap. cxlii.	An Act for the better administration of justice at Calcutta, Madras, and Bombay; and for preventing British subjects from being concerned in loans to the Native Princes in India.	Sections 4 to 8 (both inclusive), Secs. 15, 17 to 26 (both inclusive), Sec. 30.
39 & 40 Geo. III., Cap. lxxix.	An Act for establishing further regulations for the government of the British territories in India, and the administration of justice within the same.	Sections 4, 6, 8, 10, 11, 17, 18, 19, 21, 22, 23, 24.
53 Geo. III., Cap. clv.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to, and from, the places within the limits of the said Company's Charter.	Secs., 98, 99, 101, 104, 108, 109, 113, and 122.
54 Geo. III., Cap. cv.	An Act to remove doubt as to the duties and taxes heretofore imposed and levied under the authority of the several Governments in the East Indies.	The whole.
55 Geo. III., Cap. lxxxiv.	An Act to amend so much of an Act of the thirty-third year of His present Majesty	The whole Act, except Section 1.

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SCHEDULE—(Continued.)

Year and Chapter.	Title.	Extent of repeal.
	as relates to fixing the limits of the Towns of Calcutta, Madras, and Bombay; and also so much of an Act of the 39th and 40th year of His present Majesty, as relates to granting Letters of Administration to the effects of persons dying intestate within the several Presidencies in the East Indies, to the Registrar of the Ecclesiastical Courts; and to enable the Governor in Council of the said Presidencies to remove persons not being British subjects; and to make provision for the Judges in the East Indies in certain cases.	
4 Geo. IV., Cap. lxxi.	An Act for defraying the charge of retiring pay, pensions, and other expenses of that nature, of His Majesty's Forces serving in India; for establishing the pensions of the Bishop, Archdeacons, and Judges; for regulating Ordinations; and for establishing a Court of Judicature at Bombay.	Sections 8, 9, 10, and 14.
5 Geo. IV., Cap. cviii.	An Act for transferring to the East India Company certain possessions newly acquired in the East Indies, and for authorizing the removal of convicts from Sumatra.	Section 2.
6 Geo. IV., Cap. lxxxv.	An Act for further regulating the payment of the salaries and pensions to the Judges of His Majesty's Courts in India, and the Bishop of Calcutta; for authorizing the transportation of offenders from the island of St. Helena; and	Section 6.

SCHEDULE—(Continued.)

Year and Chapter.	Title.	Extent of repeal.
	for more effectually providing for the administration of justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.	
7 Geo. IV., Cap. xxxvii.	An Act to regulate the appointment of Juries in the East Indies.	So much as has not been repealed
9 Geo. IV., Cap. xxxviii.	An Act to declare and settle the law respecting the liability of the real estates of British subjects and others, situate within the jurisdiction of His Majesty's Supreme Courts in India, as assets in the hands of executors and administrators, to the payment of the debts of their deceased owners.	The whole Act, except as to the estates of persons dying before 1st day of Jan. 1866.
11 Geo. IV., and 1 Wm. IV., Cap. lxxv.	An Act for the relief of the sufferers by the insolvency of Gilbert Rickets, Esq., formerly Registrar of the Supreme Court of Judicature at Madras.	The whole.
5 and 6 Wm. IV., Cap. vi.	An Act to indemnify the Governor-General and other persons in respect of certain acts done in the administration of the government of the British Territories in the East Indies subsequent to the 22nd day of April 1834, and to make those Acts valid.	The whole Act as far as it relates to British India.
11 & 12 Vic., Cap. xxi.	An Act to consolidate and amend the laws relating to Insolvent Debtors in India.	Sections 1, 65, 66, and 67.
17 & 18 Vic., Cap. civ.	An Act to amend and consolidate the Acts relating to Merchant Shipping.	Section 9, so far as it relates to British India.

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PART II.—ACTS. SCHEDULE—(Continued.)

Number and Year.	Title.	Extent of repeal.
X. of 1836.	Indigo contracts ...	Section 1.
XX. of 1836.	Revenue Sale Law ...	Sections 1 and 4.
VI. of 1837.	Land Revenue (Cuttack).	Section 2.
XXXVI. of 1837.	Madras Criminal Jurisdiction Act.	In Section 1, the words and figures "It is hereby enacted that from the 15th day of December 1837," and in Section 2, the words "from the said day."
XI. of 1838.	Ameens, Bengal ...	Section 1, and in Section 2 the words "And it is hereby enacted that."
XVI. of 1838.	Bombay Judiciary ...	In Section 1, Clause 1, the words "It is hereby enacted, in modification of the rules contained in Chapter VII., Regulation XVII. of 1827 of the Bombay Code, that" In Section 5, the words "without further costs of stamps to the parties except on new exhibits, if any such should be allowed to be filed," and from and including the words "but if an appeal" to the end of the section.
XIX. of 1838.	Bombay Coasting Vessels.	Section 1.
XXIX. of 1838.	Salt Department, Bengal.	Section 1.
XXXII. of 1838.	Justices of the Peace...	Sections 2 and 3.
VII. of 1839.	Tahsildars, Madras ...	Section 1.
XXIV. of 1839.	Ganjam and Vizagapatam.	Section 1.
XVI. of 1840.	An Act concerning the management of Convicts transported to places within the territories of the East India Company.	Section 4.
IX. of 1841.	An Act for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the service of the East India Company.	The first twenty-one words in Section 1, and Section 18.
XII. of 1841.	An Act for amending the Bengal Code in regard to sales of land for arrears of revenue.	Section 1.
XXIX. of 1841.	An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of suits and appeals for neglecting to proceed in the same.	Section 3 down to & including the words "are repealed, and"

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SCHEDULE—(Continued.)

Number and Year.	Title.	Extent of repeal.
XVII. of 1842.	An Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay.	Section 1, and in Sections 2 and 3 the words "and it is hereby enacted that"
XI. of 1843.	An Act for regulating the service of hereditary officers under the Presidency of Bombay.	Section 1.
XI. of 1844.	An Act for the improvement of the administration of Justice and despatch of business in the Supreme Court of Judicature at Fort William in Bengal.	The whole.
XVI. of 1844.	An Act for increasing the Excise and Import duties heretofore payable to the Government on salt manufactured within, or imported into, the territories subject to the Government of the Presidency of Bombay.	Sections 1, 3, and 5.
XVIII. of 1844.	An Act for the better control and management of Gaols within the Bengal Presidency.	Section 1, and in Section 2 the words "and it is hereby enacted that"
XX. of 1844.	An Act to amend the law relating to advances *bonâ fide* made to Agents entrusted with goods, by extending to the territories of the East India Company, in cases governed by English law, the provisions of the Statute 5 and 6 Victoria, C. 39, as altered by this Act.	Section 9.
XV. of 1845.	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of judicial and revenue proceedings.	Section 6.

SCHEDULE—(Continued.)

Number and Year.	Title.	Extent of repeal.
VIII. of 1846.	An Act for determining the duration of the existing Settlement of the North-Western Provinces.	Section 1 so far as it relates to Hissar, Saharanpore, Moozuffernugger, Meerut, Bulundshuhur, Allyghur, Bijnore, Budaon, Bareilly, Shajehanpore, Furruckabad, Allahabad, Goruckpore, and Azimghur.
I. of 1847.	An Act for the establishment and maintenance of Boundary Marks in the North-Western Provinces of Bengal.	In Sec. 6, the words and figures "under Act IV. of 1840."
IX. of 1847.	An Act regarding the assessment of lands gained from the sea or from rivers by alluvion or dereliction within the Provinces of Bengal, Behar, and Orissa.	Section 8.
XX. of 1847.	An Act for the encouragement of learning in the territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called copyright therein.	Section 17.
IV. of 1848.	An Act for regulating Coroners' Juries.	In Sec. 2, the words and figures "according to the provisions of Act No. II. of 1839."
XVI. of 1848.	An Act to remove certain restrictions on the Salt trade.	The whole.

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SCHEDULE—(Continued.)

Number and Year.	Title.	Extent af repeal.
XVIII. of 1848.	An Act for the administration of the Estate of the late Nawab of Surat, and to coutinue privileges to his family.	Secs. 3 & 4.
I. of 1849.	An Act to provide more effectually for the punishment of offences committed in Foreign States.	Section 1.
VI. of 1849.	For securing Military and Naval Pensions and Superannuation Allowances.	Secs. 1 & 4.
XI. of 1849.	For securiug the Abkarry revenue of Calcutta.	Section 1.
IX. of 1850.	An Act for the more easy recovery of small debts and demands in Calcutta, Madras, and Bombay.	Section 7. In Section 17, the words "by action of debt or on the case"
XI. of 1850.	An Act to amend Act X., 1841.	Section 1.
XII. of 1850.	For avoiding loss by the default of Public Accountants.	Section 6.
XIX. of 1850.	Concerning the binding of Apprentices.	Section 6.
XXV. of 1850.	An Act for the forfeiture to Government of deposits made on incomplete sales of land under Regulation VIII., 1819, and Act IV., 1846.	Section 1.
XXVI. of 1850.	An Act to enable improvements to be made in towns.	Section 1.
XXXIII. of 1850.	An Act for amending the forms necessary for the sale of Putnee Tenures in Bengal.	Sections 2 and 3.
XXXVII. of 1850.	For regulating inquiries into the behaviour of Public Servants.	Section 1.

SCHEDULE—(Continued.)

Number and Year.	Title.	Extent of repeal.
XLIV. of 1850.	An Act for consolidating the Board of Customs, Salt and Opium, and the Sudr Board of Revenue in the Lower Provinces of Bengal.	Section 1.
VI. of 1851.	Respecting certain land in Bombay called Foras Land.	The whole.
VIII. of 1851.	An Act for enabling Government to levy tolls on Public Roads and Bridges.	Section 1.
V. of 1852.	An Act for giving effect to the provisions of an Act of Parliament, passed in the 15th year of the reign of Her present Majesty, intituled "An Act for Marriages in India."	Section 26.
XV. of 1852.	An Act to amend the Law of Evidence.	Section 14.
XVI. of 1852.	An Act for further improving the administration of Criminal Justice in Her Majesty's Courts of Justice in the territories of the East India Company.	Secs. 10 and 27.
XIX. of 1852.	An Act for securing the Abkarry revenue of Madras.	Section 1.
XXIII. of 1852.	To authorize and empower the Governors in Council of the respective Presidencies of Madras and Bombay to mitigate or discharge fines, amerciaments, &c., imposed by the Supreme Courts, or any other Courts of Justice at Madras and Bombay respectively.	The preamble and Section 1.
XXIX. of 1852.	An Act to amend the law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay.	Section 1.

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SCHEDULE—(Continued.)

Number and Year.	Title.	Extent of repeal.
XI. of 1853.	An Act to facilitate the removal of nuisances and encroachments below high-water mark in the islands of Bombay and Colaba.	In Section 7, the words "the East India Company as trustees for"
XX. of 1853.	An Act to amend the law relating to Pleaders in the Courts of the East India Company.	Section 1.
V. of 1854.	An Act to amend Act No. V. of 1838 relating to the Bengal Bonded Warehouse Association.	Section 1.
VII. of 1854.	An Act for the apprehension, within the territories under the government of the East India Company, of persons charged with the commission of heinous offences beyond the limits of the said territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them.	Section 24.
XIII. of 1854.	An Act to repeal Act No. VI. of 1852, and to make provision for defraying the cost of the Light-house on Pedra Branca and for maintaining the same, and also a Floating Light established in the Straits of Malacca to the west of Singapore, and for the establishment and maintenance of such further Lights in or near to the said Straits as may be deemed expedient.	Section 1.
XVI. of 1854.	An Act to amend Regulation XI. of 1831 of the Bengal Code.	Section 1.
XVIII. of 1854.	An Act relating to Railways in India.	Section 39.
XXIV. of 1854.	An Act to prohibit the possession of certain offensive weapons in Malabar.	In Sec. 1, from and including the words "and every person" to the end of the section. In Sec. 2 the words "After such date."
XXVII. of 1854.	An Act to amend the law relating to the Nazim of Bengal.	Section 1.
XXX. of 1854.	An Act to provide for the levy of duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces.	Sections 1 and 12.
XXXI. of 1854.	An Act to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English law is applicable.	Section 1.
II. of 1855.	An Act for the further improvement of the Law of Evidence.	Section 17.
XXII. of 1855.	An Act for the regulation of Ports and Port Dues.	Sec. 1, & in Sec. 35 the words "or of the Hon'ble Company," Sec. 43.
XXIV. of 1855.	An Act to substitute penal servitude for the punishment of transportation in respect of European and American Convicts, and to amend the law relating to the removal of such Convicts.	Section 16.
XXVI. of 1855.	An Act to facilitate the payment of small deposits in Government Savings' Banks to the representatives of deceased depositors.	So much of Sec. 5 as relates to persons dying in the service or in the Marine service of the East India Company.

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SCHEDULE—(Continued.)

Number and Year.	Title.	Extent of repeal.
XXVIII. of 1855.	An Act for the repeal of the Usury Laws.	Secs. 1, 7, 8, and the schedule.
XXXII. of 1855.	An Act relating to embankments.	Section 1.
XXXVII. of 1855.	An Act to remove from the operation of the General Laws and Regulations certain districts inhabited by Sonthals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose.	Section 6.
VIII. of 1856.	An Act for the better control of the Gaols within the Presidencies of Fort St. George and Bombay.	Section 1.
XI. of 1856.	An Act for the better prevention of desertion by European Soldiers from the Land Forces of Her Majesty and of the East India Company in India.	In the title and the preamble the words "and of the East India Company."
XII. of 1856.	An Act to amend the law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William.	Section 1.
XIII. of 1856.	An Act for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca.	Section 1 from the beginning down to and including the words "operation, and," and the schedule.
XX. of 1856.	An Act to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazaars in the Presidency of Fort William in Bengal.	Section 1 from the beginning down to and including the words "provided that."

SCHEDULE—(Continued.)

Number and Year.	Title.	Extent of repeal.
XXI. of 1856.	An Act to consolidate and amend the law relating to the Abkarry revenue in the Presidency of Fort William in Bengal.	Sections 1 and 89.
III. of 1857.	An Act relating to trespass by Cattle.	Sections 1 and 22.
IV. of 1857.	An Act to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the Town of Bombay.	Section 1. In Section 5, the words and figures "within the meaning of Act XXV. of 1836."
X. of 1857.	An Act to amend Act XXXVII of 1855.	Section 1 from the beginning down to and including the words "this Act, and"
XIII. of 1857.	An Act to consolidate and amend the law relating to the cultivation of the Poppy and the manufacture of Opium in the Presidency of Fort William in Bengal.	Section 1.
XXIX. of 1857.	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidency of Bombay.	Section 1.
XXX. of 1857.	An Act for the levy of Port Dues and Fees in the Port of Calcutta.	Section 7 from the beginning down to and including the words "said date."
XXXI. of 1857.	An Act for the levy of Port Dues and Fees in the Port of Bombay.	Section 6 from the beginning down to and including the words "said date."

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SCHEDULE—(Continued.)

Number and Year.	Title.	Extent of repeal.
XXXIV. of 1857.	An Act relating to the sale of Ganjah in the Presidency of Bombay.	Section 1.
XXXV. of 1857.	An Act for the levy of Port Dues in the Ports of Moulmein, Rangoon, Kyouk, Phyoo, Akyab, and Chittagong.	Section 5 from the beginning down to and including the words "said date."
II. of 1858.	An Act for the levy of Port Dues in certain Ports in the Province of Cuttack.	Section 5. Section 6 from the beginning down to and including the words "said date."
III. of 1858.	An Act to amend the law relating to the arrest and detention of State Prisoners.	Section 1.
VIII. of 1858.	An Act for the levy of Port Dues and Fees in the Port of Kurrachee.	Section 7. Section 8 from the beginning down to and including the words "said date."
XV. of 1858.	An Act for the levy of Port Dues in the Port of Aden.	Section 6 from the beginning down to and including the words "said date."
XXVIII. of 1858.	An Act for the maintenance of a Police Force for the Port of Madras.	Section 11.
XXXV. of 1858.	An Act to make better provision for the care of the Estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature.	Section 1.

SCHEDULE—(Continued.)

Number and Year.	Title.	Extent of repeal.
XL. of 1858.	An Act for making better provision for the care of the Persons and Property of Minors in the Presidency of Fort William in Bengal.	Section 1.
I. of 1859.	An Act for the amendment of the law relating to Merchant Seamen.	Section 1.
III. of 1859.	An Act for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those officers Registers of Deeds.	In Section 11, the words "or who shall be appointed Register of Deeds," and the words "and Registers of Deeds respectively."
VIII. of 1859.	An Act for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter.	In Sections 300 and 82, the words "in any Court of Judicature established by Royal Charter or" Secs. 300 and 87.
X. of 1859.	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	Sections 1 and 167.
XI. of 1859.	An Act to improve the law relating to sales of land for arrears of revenue in the Lower Provinces under the Bengal Presidency.	Section 1.
XII. of 1859.	An Act to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty.	Section 1.

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SCHEDULE—(Continued.)

Number and Year.	Title.	Extent of repeal.
XIV. of 1859.	An Act to provide for the limitation of suits.	Secs. 18, 21, and 23, and, in Sec. 19, the proviso.
XVII. of 1859.	An Act to amend the law for the realization of revenue from abkarry in the island of Bombay.	Section 1.
XX. of 1859.	An Act for the suppression of Outrages in the District of Malabar, in the Presidency of Fort St. George.	Section 1.
XXII. of 1859.	An Act to amend Act I. of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay).	Section 1.
XXIV. of 1859.	An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George.	Secs. 2 and 3, and the schedule down to and including the words "said clause."
XXV of 1859.	An Act to prevent the overcrowding of Vessels carrying Native Passengers in the Bay of Bengal.	Section 19.
II. of 1860.	An Act to amend the law relating to the carriage of Passengers by Sea.	In Section 1, the words and figures "under Act XV. of 1842," "under Act XXI. of 1844," "under Act XXXI. of 1855."
VIII. of 1860.	An Act for regulating the establishment and management of Electric Telegraphs in India.	Section 1.

SCHEDULE—(Continued.)

Number and Year.	Title.	Extent of repeal.
XXIII. of 1860.	An Act to amend Act XXI. of 1856 (to consolidate and amend the law relating to the Abkarry revenue in the Presidency of Fort William in Bengal).	Section 1, from the beginning down to and including the word "repealed," and the schedule.
XXV. of 1860.	An Act for the levy of Port Dues in the Port of Bassein.	Section 5 from the beginning down to and including the words "said date."
XXVIII. of 1860.	An Act for the establishment and maintenance of Boundary Marks, and for facilitating the settlement of boundary disputes in the Presidency of Fort St. George.	Sections 1 and 33.
XXXI. of 1860.	An Act relating to the manufacture, importation, and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases.	Sections 1, 52, and 55.
XLV. of 1860.	The Indian Penal Code.	In Section 5, the words "or of the East India Company, or of any Act for the government of the Indian Navy."
XLVI. of 1860.	An Act to authorize and regulate the emigration of Native Labourers to the French Colonies.	Section 1.
XLVIII. of 1860.	An Act to amend Act XIII. of 1856 (for re-	Section 1, from the

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SCHEDULE—*(Continued.)*

Number and Year.	Title.	Extent of repeal.
	gulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca).	beginning down to and including the words "repealed and"
L. of 1860.	An Act to amend the law relating to vacations in the Civil Courts within the Presidency of Fort William in Bengal.	Section 1.
X. of 1861.	An Act to repeal certain Regulations and Acts relating to the procedure of the Courts of Civil Judicature not established by Royal Charter.	The whole.
XIV. of 1861.	An Act to remove certain tracts of country in the Rohilcund Division from the jurisdiction of the tribunals established under the General Regulations and Acts.	In Sec. 4, the words "shall not call for the futwah of its Law Officer and" Section 7.
XVI. of 1861.	An Act for licensing and regulating Stage carriages.	Sec. 22.
XVII. of 1861.	An Act to amend Act XIV. of 1843 (for regulating the Customs Duties in the North-Western Provinces).	Section 3.
XIX. of 1861.	An Act to provide for a Government Paper Currency.	In the preamble from and including the words "and whereas due notice" down to and including the words "hereinafter provided" Section 1. In Section 2 the words "After the passing of this Act," and the words "except the Banks of Bengal, Madras, and Bombay, up to the said 1st day of March 1862, and"
XXIII. of 1861.	An Act to amend Act VIII. of 1859 (for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter).	Sections 1 and 43.
XXV. of 1861.	An Act for simplifying the procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section 445 except so far as it empowers the Governor-General in Council to extend the Act.
IV. of 1862.	An Act for regulating the Bank of Bengal.	Sections 1 and 42, and the second proviso in Section 11.
XIII. of 1862.	An Act to provide for a new Silver and a new Copper Coinage.	Section 1.
XX. of 1862.	An Act to provide for the levy of Fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal, and to suspend the operation of certain Sections of Act VIII. of 1859 in the said High Court.	Sections 7, 11, and 12.
XXIII. of 1862.	An Act to amend Act XI. of 1862 (to amend the duties of Customs on goods imported and exported by Sea).	The whole.

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SCHEDULE—(Continued.)

Number and Year.	Title.	Extent of repeal.
I. of 1863.	An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said territory.	Sections 1 and 28.
VI. of 1863.	An Act to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India.	Sections 2, and 230.
VIII. of 1863.	An Act for the amendment of the law relating to the confinement of Prisoners sentenced by Courts acting under the authority of Her Majesty, and by certain other Courts, and of Prisoners convicted of offences in Native States.	Section 1.
XII. of 1863.	An Act to bring the Pergunnahs of Mahoba and Jeitpore, in the District of Humeerpore, under the operation of the General Regulations.	Sections 2, 3, 4, 5, 6.
XV. of 1863.	An Act to amend Act I. of 1859 (for the amendment of the law relating to Merchant Seamen).	Section 1.
XIX. of 1863.	An Act to consolidate and amend the law relating to the partition of Estates paying revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal.	Section 1, and the first eight words of Section 2. Section 50.
XX. of 1863.	An Act to enable the Government to divest itself of the management of Religious Endowments.	Section 1.
XXIV. of 1863.	An Act to amend Act I. of 1863 (to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said territory).	Sections 4 and 5.

SCHEDULE—(Continued.)

Number and Year.	Title.	Extent of repeal.
VII. of 1864.	An Act for regulating the importation and manufacture of alimentary salt in the territories administered by the Chief Commissioner of the Central Provinces.	Section 1.
XII. of 1864.	An Act to give further effect to the provisions of Act IV. of 1863 (to give effect to certain provisions of a treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor-General of India, and His Majesty the King of Burmah.	Section 2.
XIII. of 1864.	An Act to consolidate and amend the laws relating to the emigration of Native Labourers.	Sections 1 and 84, & Schedule A.
XVII. of 1864.	An Act to constitute an Office of Official Trustee.	Section 2.
XXII. of 1864.	An Act to make provision for the administration of Military Cantonments.	Secs. 2, 37, and the schedule.
XXIV. of 1864.	An Act relating to the administration of certain Districts under the Government of the Lieutenant-Governor of the North-Western Provinces.	Section 15.
XXVIII. of 1865.	An Act to provide for the extension of Act XXI. of 1856 (to consolidate and amend the law relating to the Abkarry revenue in the Presidency of Fort William in Bengal), to the Provinces under the control of the Lieutenant-Governor of the Punjab.	Section 3.
XI. of 1865.	An Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature.	Section 2, from the beginning down to & including the words "Provided that" and from and in-

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SCHEDULE—*(Continued.)*

Number and Year.	Title.	Extent of repeal.
		cluding the words "and all suits" down to the end of the section.
XIII. of 1865.	An Act to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original Criminal jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns.	In Sec. 9, the words "from & after the date on which this Act shall come into operation," and, in Sections 22, 23, 24, & 44, the words "From and after the commencement of this Act" Secs. 45 & 46.
XIV. of 1865.	An Act to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.	Section 24.
XV. of 1865.	An Act to define and amend the law relating to Marriage and Divorce among the Parsees.	In Section 7, the words "who may be the Registrar appointed under Act XVI. of 1864 *(to provide for the registration of assurances.)*" In Section 53, the words "shall commence and take effect on the 1st day of September 1865, and"

SCHEDULE—*(Continued.)*

Number and Year.	Title.	Extent of repeal.
XIX. of 1865.	An Act to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies.	Sections 24 and 25.
XX. of 1865.	An Act to amend the law relating to Pleaders and Mookhtars.	Section 3 and the first schedule.
IV. of 1866.	An Act to amend the constitution of the Chief Court of Judicature in the Punjab and its Dependencies.	Sections 45, 52, and 54.
V. of 1866.	An Act to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India.	In Section 2, the words "from and after the 1st day of May 1866."
X. of 1866.	The Indian Companies' Act.	Sections 219, 220, 221, and 222, and the third schedule.
XI. of 1866.	An Act to repeal Act No. IV. of 1855 (for incorporating for a further period, and for giving further powers to the Assam Company).	The whole.
XIV. of 1866.	The Indian Post Office Act, 1866.	In Sec. 1, the words "shall come into operation on the 1st day of May 1866, and" Section 3.
XX. of 1866.	The Indian Registration Act, 1866.	Sections 3 and 98 from the beginning down to and including "notwithstanding," Sec. 102.

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SCHEDULE—*(Continued.)*

Number and Year.	Title.	Extent of repeal.
XXII. of 1866.	An Act to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts and the Cantonments of Secunderabad, Trimulgherry, and Arungabad.	In Sec. 1, the words "From and after the passing of this Act."
XXVI. of 1866.	An Act to legalize the rules made by the Chief Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that Province.	Section 2.
XXVII. of 1866.	An Act to consolidate and amend the law relating to the conveyance and transfer of property in British India vested in mortgagees and trustees, in cases to which English law is applicable.	Section 1.
XII. of 1867.	An Act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, and Madras and Bombay.	Section 2 and the schedule.
XVIII. of 1867.	An Act to define the jurisdiction of the Courts of Civil Judicature in the Jhánsí Division.	Section 2.
XXIV. of 1867.	An Act to consolidate and amend the law relating to the office and duties of Administrator-General.	Section 2, and the schedule.
XXV. of 1867.	An Act for the regulation of Printing Presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books.	Sections 2 and 23.

SCHEDULE—*(Continued.)*

Number and Year.	Title.	Extent of repeal.
XXXIV. of 1867.	An Act to repeal Act No. XIX. of 1866 in the places to which the Madras Salt Excise Act, 1867, may be made applicable.	The wholo.
XXXV. of 1867.	An Act to provide temporary assistance to the Financial Commissioner of the Punjab.	The whole.
III. of 1868.	An Act to authorize the Local Government of the Punjab to invest any person with the powers of an Assistant Commissioner or Tahsildar.	Section 3.
VIII.of 1868.	An Act for repealing certain enactments which have ceased to be in force or have become unnecessary.	The whole.
XI. of 1868.	An Act to exempt Timber and Woods from Import Duty.	The whole.
XIII.of 1868.	An Act to exempt the King of Oudh from the jurisdiction of the Civil Courts, and for other purposes.	Section 1.
XVI.of 1868.	An Act to consolidate and amend the law relating to Principal Sudr Ameens, Sudr Ameens, and Munsiffs in Bengal, and for other purposes.	Section 1 and the schedule.
XVII. of 1868.	An Act to appoint a Commission to inquire into the failure of the Bank of Bombay.	The whole.
XVIII. of 1868.	An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes.	Section 5.
XIX.of 1868.	An Act to consolidate and amend the law relating to rent in Oudh.	Section 2.
XX. of 1868.	An Act to give validity to the levy of certain duties in Lucknow.	The whole.

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SCHEDULE—(*Continued.*)

Number and Year.	Title.	Extent of repeal.
XXIII. of 1868.	An Act to give validity to certain Abkarry Rules in British Burmah.	In the preamble, the words "and to indemnify all officers, farmers, and other persons who have acted under them, or under any such rules previously published or enforced under the same authority," and Section 2.
XXV. of 1868.	An Act to define the jurisdiction of the Courts in Coorg.	Sec. 24.
XXVIII. of 1868.	An Act to define and amend the law relating to the tenancy of land in the Punjab.	Section 4.
II. of 1869.	An Act for the appointment of Justices of the Peace.	Section 2 and the schedule.
III. of 1869.	An Act for the maintenance of the Rural Police in the North-Western Provinces.	Section 2.
V. of 1869.	The Indian Articles of War.	Part I., Clause (*c*), paragraphs 1, 2, and 3.
VI. of 1869.	An Act to amend the law relating to the Emigration of Native Labourers.	Secs. 10 and 11.
VII. of 1869.	An Act to give validity to certain Rules relating to Forests in British Burmah.	In the preamble, the words "and to indemnify the officers and other persons who have acted under them;" Section 2.

SCHEDULE—(*Continued.*)

Number and Year.	Title.	Extent of repeal.
VIII. of 1869.	An Act further to amend the Code of Criminal Procedure.	Section 2, paragraph 1.
XI. of 1869.	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidencies of Fort St. George and Bombay.	Section 2.
XIV. of 1869.	An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.	Section 2 and the schedule.
XVIII. of 1869.	An Act for imposing Stamp Duties on certain Instruments.	Sec. 2 and the third schedule.
XX. of 1869.	An Act to provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers.	Section 3.
XXII. of 1869.	An Act to remove the Garo Hills from the jurisdiction of the tribunals established under the General Regulations and Acts, and for other purposes.	Sections 2 and 3.
XXIV. of 1869.	An Act to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presidency of Bombay.	Section 1.
VII. of 1870.	The Court Fees' Act.	Sec. 2 and the third schedule.

(Signed) WHITLEY STOKES,

Secy. to the Council of the Govr.-Genl. for making Laws and Regulations.

Re-published by order of His Excellency the Governor in Council.

(Signed) R. S. ELLIS,

Chief Secretary.

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